



Brazil

Country Reports on Human Rights Practices - [2001](#)

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Brazil is a constitutional federal republic composed of 26 states and the Federal District. The federal legislative branch exercises authority independent of the executive branch. In 1998 voters elected President Fernando Henrique Cardoso, of the Brazilian Social Democratic Party (PSDB), to a second 4-year term. The 1998 elections marked the third time since the end of military rule in 1985 that citizens freely chose their president and elected the legislative bodies in accordance with the 1988 Constitution. All parties are able to compete on the basis of fair and equal procedures. The judiciary generally is independent; however, it is inefficient and, especially at the state level, subject to political and economic influence.

The military forces are responsible for national defense and are subject to effective civilian control, both in law and in practice. The federal police force is very small and primarily investigative. It plays little role in routine law enforcement. Police forces fall primarily under the control of the states. State police are divided into two forces. The civil police have an investigative role, and the uniformed police, known officially as the "military police," are responsible for maintaining public order. Although the individual state governments control the uniformed police, the Constitution provides that they can be called into active military service in the event of an emergency, and they maintain some military characteristics and privileges, including a separate judicial system. The state police forces committed numerous serious human rights abuses.

The country's population is approximately 172.8 million and the economy is market-based and diversified. The Government, which traditionally played a dominant role in shaping economic development, is encouraging greater private sector participation in the economy through privatization of state enterprises; deregulation; and removal of some impediments to competition, trade, and investment. Industrial production, including mining operations and a large and diversified capital goods sector, accounts for 36 percent of gross domestic product (GDP), agriculture contributes 7 percent, and services account for 57 percent. Exports consist of both manufactured and primary goods. Among the principal exports are iron ore, coffee, airplanes, soybeans, footwear, automobiles, and telecommunications equipment. Per capita GDP in 2000 was approximately \$3,600, and the economy grew by 4.5 percent. Income distribution remained highly skewed: In 2000 the poorest half received only 10 percent of national income while the richest tenth received 48 percent.

The Federal Government generally respected many of the human rights of its citizens; however, there continued to be numerous serious abuses, and the record of some state governments was poor. State police forces (both civil and uniformed) committed many extrajudicial killings, tortured and beat suspects under interrogation, and arbitrarily arrested and detained persons. Police also were implicated in criminal activity of all kinds, including killings for hire, death squad executions, extortion, kidnappings for ransom, and narcotics trafficking. In April U.N. Special Rapporteur for Torture Sir Nigel Rodley released his report on torture, which contained many examples of the use of torture by police and prison administrators, and strongly criticized the Government for not taking measures to eliminate the use of torture. The authorities often failed to prevent violence inside prisons. The state governments concerned did not punish most perpetrators of these abuses effectively. Police tribunals (special courts for the uniformed police) remained overloaded, rarely investigated cases thoroughly, and seldom convicted abusers. The separate system of uniformed police tribunals contributed to a climate of impunity for police officers involved in extrajudicial killings or abuse of prisoners. Prison conditions ranged from poor to extremely harsh. Prison officials often tortured and beat inmates. The judiciary has a large case backlog and often was unable to ensure the right to a fair and speedy trial. Justice is slow and often unreliable, especially in areas where powerful economic interests influence the local judiciary. Police used excessive force to disperse demonstrators on several occasions during the year, resulting in serious injuries and at least one death. Human rights monitors on occasion faced threats and harassment. Violence and discrimination against women were problems. Child prostitution and abuse also were problems. Despite constitutional provisions safeguarding the rights of indigenous people, government authorities often

failed to protect them adequately from outsiders who encroached on their lands, and failed to provide them with adequate health care and other basic services in many areas. Discrimination against Afro-Brazilians is a problem. Violence against homosexuals is a problem. Rural violence, including killings of land reform and rural labor activists, persisted. Forced labor continued to be a serious problem for adults and children, and there continued to be occasional reports of forced child labor. Trafficking in persons, particularly women and children for the purpose of prostitution, is a serious problem.

Due to jurisdictional and resource limitations, the efforts of the Federal Government to highlight human rights abuses and allocate federal resources to bolster the efforts of the states had limited impact in many of the states where human rights violations are most common. In December President Cardoso stated that he welcomed visits by international human rights groups to conduct investigations.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary and Unlawful Deprivation of Life

State police (military and civil) committed numerous extrajudicial killings, which continued to be a serious problem throughout the country. The uniformed police summarily executed suspected criminals rather than apprehend them, and then filed false reports that the suspects were resisting arrest. Civil and military police in Sao Paulo state killed 703 persons during the year, compared with 837 killings in 2000. In April the U.N. Special Rapporteur on Torture noted that torture by officials in jails and prisons often resulted in death (see Section 1.c.). Harsh conditions in prisons and rioting led to the death of inmates (see Section 1.c.). Police killed at least one protester during the year (see Section 2.b.). Police also killed street children, indigenous persons, and labor activists (see Sections 5 and 6.a.). In addition, many other killings occurred as the result of death squads and other criminal groups, many of which included police as members. There continued to be numerous credible reports of state police officials' involvement in crime, including revenge killings and the intimidation and killing of witnesses involved in testifying against police officials (see Section 1.e.). The authorities' failure to investigate, prosecute, and punish police who commit such acts created a climate of impunity that continues to encourage human rights abuses. Many persons were killed during the year in conflicts involving disputes of land ownership and usage.

In April a number of human rights organizations—including Justica Global, the Brazilian National Human Rights Movement, and the Brazilian Chapter of the Inter-American Platform for Human Rights, Democracy, and Development—released a report entitled "Summary, Arbitrary, and Extrajudicial Killings—An Approximation of a Brazilian Reality." The report stated that the authorities summarily execute approximately 2,000 persons each year.

According to the Office of the Police Ombudswoman in Rio de Janeiro state, there were 9 reported police homicides in the state during the first 6 months of the year, only a small fraction of the actual total. Independent estimates were that the number of police homicides in the first 9 months of the year was similar to the number reported for the same period of 2000 (312 homicides). The Rio de Janeiro state government stopped releasing data on police-homicides after September 2000. Research conducted by the Institute for Religious Studies (ISER) in the mid-1990's suggested that the actual number of police homicides was double the number officially reported. The ISER report also stated that Rio de Janeiro police killed half of their victims with 4 or more bullets and shot the majority of victims in either the shoulder or the head; 40 cases clearly demonstrated execution-style deaths, in which police first immobilized the victims and then shot them at point-blank range. In 64 percent of the cases examined, the victims were shot in the back.

According to the Sao Paulo Ombudsman, civil and military police in Sao Paulo state killed 326 civilians during the first 6 months of the year, compared with 359 during the same period in 2000. A Sao Paulo police ombudsman's report released in July 2000 showed that of the 664 persons killed by police officers in 1999, 31 percent were committing crimes at the time they were shot, 56 percent had no previous criminal record, and 51 percent of the victims were shot in the back. Many human rights observers believe that the report reflects excessive use of force by the Sao Paulo police.

Lack of accountability and an inefficient criminal justice system allow impunity to continue. All crimes less serious than intentional homicide committed by uniformed police officers against civilians remained in the military justice system, in which long delays allow many cases to expire due to statutes of limitations (see Section 1.e.). One ombudswoman in Minas Gerais reported that many of the complaints that are referred to her through the police bureaucracy arrive after the statutory time limit for prosecution.

Human rights activists believe that the 1996 "Bicudo" law, which gives civil courts jurisdiction over intentional homicide against civilians committed by uniformed police officers, has had limited success. In 1995--the last year before the implementation of the law--police courts convicted 23 percent (48 of 205) of officers tried for homicide. In 1998 civilian courts convicted 48 percent (31 of 64) of officers charged with homicide. The comparable rate for civilians tried for murder in Sao Paulo was 50 percent. The law allows for civil prosecutors to review the most egregious cases, while less prominent cases are reviewed by the police force itself. Almost without exception, the police investigators conclude that suspects were resisting arrest.

In late 2000, the Sao Paulo Secretary of Security signed a resolution creating a Special Commission that seeks to curb excessive use of police force. As part of this effort, police in Sao Paulo who kill a suspect are required to fill out, within 24 hours, a detailed report explaining why lethal force was used. According to the Sao Paulo Ombudsman, police are boycotting this mandate and there is little compliance.

Following reports to the Ombudsman of Rio Grande do Sul State, the authorities in Canoas relieved two military police officers of duty and charged them with the August murder of 29-year-old Roberto Angelo de Souza. The victim was involved in a car accident but was not injured. However, the police took him to the hospital; upon his arrival approximately 40 minutes later, he was in a coma and subsequently died. The hospital porter found him in the police car with the seat belt wrapped around his neck. De Souza suffered brain hemorrhages and had bruising to the eyes, the thorax, and the kidneys. Doctors concluded that these bruises were not a consequence of the car accident.

In September three military police officers in Sao Leopoldo in the state of Rio Grande do Sul investigated a possible car robbery. Near the scene, they encountered 16-year-old tennis player Thomas Feltes Engel and two friends, who were returning to their car to pick up a cellular telephone. During the police search, Thomas was wounded fatally when he was shot from behind at close range. The policeman who fired the lethal shot claimed that he fired when the victim brusquely put his hands in his pockets, because he assumed that Engel was retrieving a firearm. Engel's two friends, who were each at his side during the episode, claimed that there was no such movement. An official inquiry was opened into this case and the policeman was charged with negligent homicide; the case was awaiting trial at year's end.

Two Sao Paulo military police were jailed in September, accused of homicide in the case of 24-year-old Sidney de Lima Advento. Advento was a "perueiro"--an unregistered taxi driver working in one of Sao Paulo's impoverished neighborhoods. During a police blitz (roadblock to enforce motor vehicle laws), he abandoned his minivan and fled to his grandfather's house nearby. According to the victim's family, police entered the house and shot him while he was hiding under a bed. He was unarmed. According to the Sao Paulo Ombudsman, one of the officers had four previous complaints registered against him, including one for homicide.

In February two Sao Paulo police officers arrested in December 2000 on the accusation of having killed four persons and injuring three in a bakery in Sao Bernardo do Campo were charged with homicide, relieved of duty, and imprisoned.

No further information was available concerning reports that in November 2000, a local police officer was arrested near Boa Vista, Roraima, on the accusation that he had participated in the killing of seven adolescents whose noisy party had bothered him. The case is believed to be inactive.

In a nationally televised bus hijacking in Rio de Janeiro in June 2000, police wounded a hostage while attempting to shoot the hijacker. The hijacker then killed the hostage. The hijacker was apprehended unhurt, but arrived dead at the hospital after police riding in the ambulance allegedly strangled him. All five policemen who faced criminal charges in the incident were acquitted, primarily on the grounds that they had acted in legitimate self defense.

In June a trial court absolved four uniformed police officers accused in the 1999 double homicide that took place in Sao Bernardo do Campo, Sao Paulo. The officers had suspected the victims of stealing a police motorcycle and allegedly killed the two youths by shooting them in the head; police also left a third youth for dead. The third victim survived by feigning death and was placed in a witness protection program.

At year's end, no trial date had been set for the five uniformed police officers charged with homicide in the 1999 shooting deaths of two persons, one of whom was mentally disabled, in Sao Paulo's Jardim Elba slum.

Four uniformed police officers charged with aggravated triple homicide, abuse of power, and hiding bodies remained in prison awaiting trial in a civil court for the highly publicized 1999 killing of three persons, including two juveniles in Sao Paulo. The officers arrested the victims for fighting, beat them, and then were seen

leading them into a forested area near where the bodies were found 2 weeks later. The officers confessed to the killings after 19 witnesses came forward to testify against them and a DNA test identified blood inside the police car as that of one of the victims.

There was no information available about an investigation into the February 1999 killing of Antonio Lopes in Natal, Rio Grande do Norte state, or in the October 1999 killing of Robelio dos Santos, in Salvador, Bahia state, and the cases appear inactive.

The courts have acquitted 19 police officers and convicted 5 police officers charged with participation in the 1993 massacre of 21 residents of the Vigario Geral neighborhood in Rio de Janeiro. A total of 31 officers have been charged. As of September, four officers awaited trial after repeated postponements; three died before going to trial. None of the victims' families have received compensation from the Government.

The use of torture by police sometimes led to the death of the victims (see Section 1.c.).

Harsh and life-threatening prison conditions, official negligence, poor sanitary conditions, abuse by guards, and a lack of medical care led to a number of deaths in prisons. The authorities charged the director of security and discipline of Andradina Penitentiary in Sao Paulo State with triple homicide in the February asphyxiation deaths of prison gang members. According to press reports, the three had been locked in a van parked in the sun for almost 7 hours, without fresh air or water, following the gang's involvement in coordinated prison rebellions (see Section 1.c.). Inmates in prisons and at juvenile detention facilities rioted repeatedly during the year (see Section 1.c.). One of the worst riots occurred in February in Carandiru prison, where police, prison guards, or other inmates killed 16 prisoners. Television cameras showed riot police firing at unarmed prisoners from atop a wall, leading human rights groups to accuse police of the unprovoked killing of at least two prisoners. It is uncertain whether these two prisoners were killed by policemen or by other prisoners, and there has been no investigation of the police involved.

According to the Department of Penitentiaries of the Ministry of Justice, 1,284 prisoners died in the first 9 months of the year in the states of Alagoas, Espirito Santo, Mato Grosso do Sul, Paraiba, Pernambuco, Piaui, Sergipe, and Sao Paulo. Of these deaths, 59 were from injuries suffered during rebellions and 182 were from prisoner-on-prisoner violence. Following press reports that prisoners were being murdered at the rate of about one a week in the three largest prisons in Rio de Janeiro State, the Minister of Justice called for explanations from the director of the Rio State prison system. At year's end, official statistics on the prison murder rate were not available, but the prison director who assumed office in November believes that the press reports were exaggerated.

The trial of retired police Colonel Ubiratan Guimaraes took place in June, almost 9 years after the 1992 Carandiru prison rebellion in which 111 prisoners were killed. A court found him guilty and sentenced him to a 632-year prison term, although the term is limited to 30 years by the Constitution. He subsequently was released on appeal. Guimaraes was the first policeman of the rank of colonel to face a civilian jury under the Bicudo law. The other 85 officers who are accused of involvement still awaited trial at year's end. The statute of limitations expired for the charges of torture and beatings, but the officers can be tried for murder. All of the officers were released to await trial.

Police used excessive force to disperse demonstrators on several occasions during the year, resulting in serious injuries and at least one death (see Sections 1.c. and 2.b.). In July police in the Federal District killed one protester during a demonstration in support of land reform (see Section 2.b.).

In May 2000, police shot and killed a member of the Landless Movement (MST) during a confrontation between protesters and uniformed police in the state of Parana (see Section 2.b.). The policeman accused of this killing was absolved. Police also were accused of killing a demonstrator in July 2000.

In December 1999, police in the Federal District shot and killed one person and blinded another during a peaceful demonstration. The governor removed certain officials as a result; however, there were no further developments and none appears likely.

Police killings of street children continued (see Section 5).

Indigenous activists claimed that police kidnaped and killed two Truka indigenous persons in January in the state of Pernambuco during a raid. No arrests were made in the case.

In August a Xucuru leader, Francisco de Assis Santana, was murdered in Pernambuco while on his way to a meeting with the National Indian Foundation (FUNAI) to complain about encroachment on indigenous lands.

No arrests had been made in the case at year's end.

No progress was reported in the investigation of the 1998 killing of Xucuru Chief Francisco "Xicao" de Assis Araujo. Araujo defended the land claims of his tribe, whose lands are being encroached upon by ranchers in his home state of Pernambuco.

On November 10, a court convicted four youths of aggravated homicide in the 1997 burning death of Pataxo indigenous leader Galdino Jesus dos Santos in Brasilia, and sentenced each of them to 14 years' imprisonment. The verdict followed a court decision allowing the youths to be tried for aggravated homicide rather than manslaughter.

On May 28, a federal court convicted 13 persons, including a professor and a large landowner, of genocide in the 1988 murder of 4 Ticunas in the state of Amazonas (known as the "Capacete" massacre). The court found that the accused intended to end the tribe's existence and sentenced them to up to 25 years in prison.

In an April decision, the Supreme Court overturned an innocent verdict in the case of a landowner accused of ordering the 1983 killing of Guarani land activist Marcal Tupa-I. No information was available as to the date of a possible new trial.

Several labor activists were killed during the year (see Section 6.a.).

In September two gunmen killed labor leader and city councilman Carlos "Gato" Alberto Santos de Oliveira in the state of Sergipe. The ICFTU reported that Oliveira's murder was a result of his worker rights activism and his efforts to end the exploitation of child labor by rural landowners and called for a complete investigation into the killing. In October the police arrested the mayor of Tomar de Geru (Sergipe), Gildeon Ferreira da Silva, and police officer Valmir dos Santos Souza on charges of ordering and carrying out the murder. Witnesses place Santos at the scene of the killing. Two gunmen who allegedly collaborated with Santos remained at large at year's end.

According to public security officials, death squads in which the police are involved contributed significantly to the level of violence and lawlessness. Human rights groups reported the existence of organized death squads linked to the police forces that target suspected criminals and persons considered "undesirable" (such as street children) in almost every state. In 2000 Amnesty International reported that police death squads still were active in Mato Grosso do Sul. A report on death squads issued by the Human Rights Committee of the Federal Chamber of Deputies in 1999 highlighted death squad activity with police involvement in the states of Bahia, Rio Grande do Norte, Mato Grosso do Sul, Mato Grosso, Amazonas, Para, Paraiba, Ceara, Espirito Santo, and Acre. The report stated that death squads "arise because of the loss of credibility in the justice and public security institutions and the certainty of impunity as the result of the incapacity of the institutions that have jurisdiction in resolving the problem." The report indicated that death squad activity appeared to be declining except in Bahia.

Between October 2000 and March, the inspector general of the police in the State of Rio de Janeiro received 51 complaints of police involvement in death squad killings. According to the complaints, at least 10 "extermination groups" were operating in the Rio de Janeiro metropolitan area. In April and May, the authorities arrested eight uniformed policemen, an investigative policeman, and two firemen suspected of participating in these groups. Three of the suspects were accused of the April 23 murder of 21-year-old Leonardo Marinho, son of another fireman. In Juazeiro, a city in the interior of Bahia State, a local judge identified 47 killings from January to March as the work of a death squad made up of uniformed and investigative policemen. Most of the victims were young, low-income men who had been accused of minor offenses or had served as police informants. A study by the Bahia State legislature found that between 1994 and 1999 extermination groups killed 438 persons in the state.

In 1999 the Governor of Espirito Santo stated that death squad activity involving the police contributed significantly to the level of violence in the state. A state police investigation and a state parliamentary committee of inquiry initially reported that an informal organization, the "Squad le Cocq" involving police, judicial, and elected authorities including Jose Carlos Gratz, president of the state assembly, was responsible for the vast majority of organized crime in the state. However, a 1-year investigation by the parliamentary committee failed to prove any of the accusations against the legislator.

An investigation initiated by the former president of the supreme court of Acre state and carried out in November 1998 under the auspices of the CDDPH amassed evidence that former Acre military police chief and former state and federal deputy Hildebrando Pascoal headed a crime ring and death squad in that Amazonian state linked to at least 30 murder and torture cases previously suspended by state authorities for

lack of evidence. Charges against Pascoal include the kidnapping--with the collusion of military police officers from Piauí--and murder of the suspected killer of Pascoal's brother, and the kidnapping of the victim's wife and children in an attempt to locate the victim. A congressional committee of inquiry also established Pascoal's control of narcotics trafficking within the state. A witness who testified before that committee identified the site of a mass grave in Acre that federal authorities believe Pascoal's organization used to dispose of at least eight murder victims. Pascoal's 1998 election to the federal Chamber of Deputies gave him parliamentary immunity from all prosecution. However, in 1999 the Chamber voted to remove Pascoal's immunity and the police subsequently arrested him. In September 1999, a court convicted Pascoal of murder and sentenced him to a 40-year prison term; at year's end, he remained imprisoned awaiting trial on six more charges of having ordered killings.

Many persons were killed during the year in conflicts involving disputes over land ownership and usage. The MST continued its campaign of legal occupation of lands identified as unproductive, and illegal occupation of land not yet so designated. The MST also continued its occupation of public buildings. MST activists often used confrontational and violent tactics, and destroyed private property during some occupations. The Catholic Church's Pastoral Land Commission (CPT), the country's foremost entity monitoring human rights in rural areas, reported 18 killings of landless activists from January through September. According to the CPT report, there were a total of 1,222 murders of landless activists from 1995 to September 2001. Only 85 of these cases were brought to trial. The state of Pará had the greatest number of killings (468); there were 107 killings in Maranhão state.

A 2000 CPT report concluded that the impunity enjoyed by landed interests as a result of the "fragile" justice system and the collusion of local political interests continued to encourage serious human rights abuses of landless activists, including murder and torture. However, the report also noted that the tactics of the land reform movement have led to a self-perpetuating cycle in the past several years, in which increased confrontation and tension have led to increased government attention, encouraging in turn more land occupations.

The state of Pará continued to be a focus of rural violence. In October the CPT issued a list of 22 activists in Pará who had been marked for death by large landowners. According to the CPT, seven activists were killed in Pará between June and September, including Ademir Alfeu Federicci ("Dema"), a prominent opponent of a large dam on the Xingu River. Despite the fact that nothing was taken from his home, the local police treated the murder as the result of a residential burglary.

In the state of Mato Grosso do Sul, several leaders of landless movements were killed during the year. In April civil police killed José Rafael do Nascimento, the founder and leader of the Movement of Rural Workers (MTR). Nascimento's wife claimed that plainclothes policemen killed her husband in an ambush. Police say that Nascimento was shot while resisting arrest. According to them, he was being pursued because he was wanted in connection with four homicides that occurred in São Paulo. Also in Mato Grosso do Sul, in June an unidentified gunman killed Valdecir Padilha, one of the local leaders of the MST, and in October MST leader Sebastião Amaro de Macena was kidnapped, tortured, and murdered in the border township of Aral Moreira.

There was no information available in the case against a gunman who killed José Dutra da Costa, a rural activist in the state of Pará in November 2000. Police arrested the gunman the same day and suggested that large landowners in the region may have ordered Costa's killing.

There were no arrests in the October 2000 death of Manuel Souza Neto, a leader of the MST. Members of the MST reported that landowners had sent death threats to the victim, and a landlord was suspected in his death. However, others note that the victim also was active in politics and that his killer could have been motivated by political goals.

In April 2000, the State Court of Pará annulled a 1999 trial in Belém that acquitted 3 uniformed police officers in command of the unit responsible for the 1996 massacre of 19 landless workers at Eldorado de Carajás in the Amazonian state of Pará. Human rights activists considered this decision a major blow against police impunity. After five changes of judges, a new trial had not taken place at year's end.

In September 2000, the State Court of Rondônia convicted 3 of 12 uniformed policemen of homicide and 2 squatters of complicity in the August 1995 killings of 11 squatters and 2 policemen in Corumbiara. The three officers received sentences of 16, 18, and 19 years respectively. The two squatters who were tried were not convicted of murder but of inciting the killings, and received 6 and 8 years respectively. Activists criticized the fact that the courts had acquitted 9 of the 12 police officers involved and that the court had not indicted the landowner who was involved directly in the conflict, despite the fact that there was a videotape of the landowner in which he told the police to attack the squatters, whom he called enemy guerrillas. In October the state court of Rondônia set aside the September 2000 verdict, and in November 2000, a court convicted one

officer and two squatters. The defendants again requested a new trial (defendants can request a new trials two times).

There was no information available regarding the pending case of the 29 policemen charged as codefendants in the 1989 killings of landowner Jose Machado Neto and police officer Sergio Narciso da Silva.

b. Disappearance

There were no reports of politically motivated disappearances.

A 1995 law recognized and assigned government responsibility for the deaths of political activists who "disappeared" during the military regime while in the custody of public officials, and obligated the Government to pay indemnities of between \$74,000 and \$111,000 (200,000 to 300,000 reais) to each of the families. In 1997 President Cardoso signed a decree awarding reparations to the families of 43 such persons. As of June 2000, 276 out of 336 requestors had received indemnities. A commission created by the law continued to evaluate requests for, and authorize payment of, indemnities.

Uniformed and civil police involvement in criminal activity is widespread. Throughout the country, police were implicated in crimes including kidnaping and extortion (see Sections 1.a. and 1.c.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution and a 1997 law prohibit torture and provide severe legal penalties for its use; however, torture by police and prison guards remains a serious and widespread problem. In an April report on torture in jails and prisons, the U.N. Special Rapporteur on Torture, Sir Nigel Rodley, concluded that torture occurred at all levels of detention and that it was widespread, systematic, and often resulted in death (see Section 1.a.). Rodley based his report on visits in 2000 to prisons in 5 different states, and documented 348 cases of torture most of which occurred since 1997. In responding to the Rapporteur's report, the Government admitted that torture was widespread, promised to implement the report's recommendations, and noted that they had supported fully the Rapporteur's visit. The Government also noted that the Constitution prevents the Federal Government from controlling the actions of state governments and police authorities.

In April human rights groups in Sao Paulo claimed that, in the 8 months following the Special Rapporteur's visit, Sao Paulo State alone had registered 206 cases of torture, with at least 584 victims. Several other human rights groups, including Amnesty International and Justica Global, issued separate reports on torture at the same time as the release of the U.N. report. The Amnesty International report noted with particular concern the fact that enforcement of the law against torture was the responsibility of the states, which often lacked the ability or will to implement it fully. Both the Special Rapporteur and Amnesty International's report also stated that while men, women, and children were subject to torture, the overwhelming majority of victims were dark-skinned (of Afro-Brazilian descent) and poor.

Torture is practiced in every phase of detention: Initial questioning, temporary detention, and long-term detention. The report noted that the most common forms of torture were electric shocks, beatings, and threats. The victims of torture were generally poor, uneducated, and feared reporting their experiences. According to the report, police and prison officials usually are trained inadequately and do not know how to conduct proper investigations. Antonio Silva Henriques Gaspar, a member of the U.N. Committee Against Torture, reported that police officers who had been reprimanded for committing acts of torture continued to work in the same posts and police stations, and suspension was not carried out until the complaints were settled.

As in the cases of extrajudicial killings, the police act with a high level of impunity. A significant factor in impunity is that often police themselves have responsibility for investigating cases of torture carried out by fellow policemen. In coverage of the U.N. report, the press widely reported the statistic that in the 5 years since torture had been criminalized, authorities received over 700 complaints nationwide but had just 25 cases in process and only 2 convictions. The Government claimed that since the implementation of the 1997 law, 16 persons had been punished, and another 256 investigations were underway.

Long delays in the police special courts have allowed many cases of torture and lesser charges to expire due to statutes of limitations (see Section 1.e.).

Government officials have admitted that torture is used. Despite some preventive measures at the federal level, the problem remains most pervasive at the state level. In July the Government began a National Campaign to Combat Torture to sensitize all segments of society--judges, attorneys, and legislators, as well as the general public--with a focus on the rights of prisoners. Judges, public prosecutors, and attorneys are

expected to receive training in investigating complaints of torture. The campaign also includes media advertisements that torture is a crime and a nationwide toll-free number to receive complaints. In its first 21/2 months of operation, this hotline registered 803 cases of torture, of which approximately 30 percent were by civil police and 27 percent by military police. The state of Sao Paulo had the greatest number of complaints (124), followed by Minas Gerais (112), Bahia (76), Para (70), Parana (53), the Federal District (43), and Rio de Janeiro (43). According to press reports, officials say that many persons are still afraid to register a complaint. In more than half the calls received, the caller hung up or remained silent.

The Sao Paulo state police ombudswoman received 486 complaints of torture (encompassing such acts as abuse of authority, aggression, and attempted homicide, as well as torture) through the first 8 months of the year, compared with 935 in 2000. In the sub-category of torture, the Ombudsman reported receiving 73 complaints during the year, compared with 148 in 2000. The decline in reported complaints largely is due to the fact that insufficient resources and staffing (including a 5-month gap in approving appointment of the Ombudsman) impaired functioning of the Ombudsman's office during the year. The Rio de Janeiro State police ombudsman received 634 complaints from April 1999 to June 2001 alleging unjustified police violence, including homicide, attempted homicide, beatings, and torture. During its first 27 months of operation, the office of the police ombudswoman in Rio de Janeiro state received 3,591 complaints from April 1999 through June 2000. Complaints against the uniformed police accounted for 60 percent of that total.

The U.N. Special Rapporteur on Torture noted that torture often resulted in deaths. He investigated the September 2000 death of Anderson Carlos Crispiniano, who alleged that he was the victim of police torture in Rio de Janeiro. In June 2000, Crispiniano was asleep at his home when a group of armed men identifying themselves as policemen forced their way in and arrested him without a warrant. They removed Crispiniano from his home and later telephoned to say that he was being held hostage for ransom. He later was released, badly beaten and partly paralyzed, and died after 15 days in the hospital. As of September, the perpetrators of the crime had not been identified.

There was no new information on the death of Nilson Saldinia, who died in June 2000 in the 50th district jail in Sao Paulo's Itaim Paulista neighborhood. Human rights groups claim that he died as a result of torture after police beat him and other prisoners with bars and metal rods and applied electric shocks to them. The investigation continued at year's end. The U.N. Special Rapporteur for Torture highlighted this case in his report.

In January the authorities accused Alexandre de Oliveira of Minas Gerais of rape after he took his infant daughter to the hospital for vaginal bleeding. The police severely beat Oliveira and threatened him with death; he was forced to confess. A subsequent exam showed that the cause of the bleeding was a tumor, but Oliveira was not released for another 12 days. As of September, no arrests had been made in the case, despite widespread media attention.

Another prominent case of torture occurred in January in Rio de Janeiro where two women were taken into custody by private security guards after allegedly shoplifting sunblock lotion from a Carrefour department store. Instead of turning the women over to police, the security guards called in local drug traffickers who beat the women. Police have charged three Carrefour employees and four alleged gang members in the case.

In January Ednaldo Viera Galdino registered a complaint against three military police in Sao Paulo city. Galdino was in a bar when the officers entered. One of them ordered him to leave. Galdino, who is hearing impaired, did not hear him and remained seated, at which time the officer began to beat and threaten him in the presence of some 50 persons. After filing a complaint, Galdino's family received threats. Two of the officers involved were identified and relieved of duty.

In February civil police in Sao Paulo state were accused of torturing 28-year-old Wander Cosme Carneiro. The victim reported that he was stripped naked, restrained with a rope, beaten, and subjected to electric shocks to his genitals; he said that officials were trying to obtain a confession for the murder of a Sao Paulo elected official. Afterwards, he claimed to have been taken to a medical examiner who did not examine him. After his transfer to another prison, he was threatened with further punishment if he reported his mistreatment to the authorities.

In April two police officers in Foz de Iguacu were accused of torture after beating two alleged cigarette smugglers. At year's end, the officers remained in detention awaiting trial of the case. Human rights groups noted the prompt decision to charge the officers under the law against torture.

Late in 2000, a 17-year-old named Bruno was tortured while the authorities attempted to obtain a confession for the theft of a radio. The torturers forced him to play Russian roulette, beat him, and set him on fire. He survived and was able to identify one of his torturers as a member of the military police. The accused

policeman was dismissed from the force when the case was brought to trial.

In December 2000, two policemen severely beat Rangel Bezerra de Lima, in Ceilandia, Federal District. The reason given by the police during the attack was that they had experienced a "bad day." The Human Rights Division of the Ministry of Foreign Relations assisted Rangel in filing a complaint against the perpetrators, accusing the police of torture. The military police investigation did not discover the identities of the policemen.

In November 2000, at least five former prisoners who had been held in an Air Force prison in Rio de Janeiro made public their allegations of having been tortured during their time in prison. The allegations included accusations of beatings, electric shocks, and sexual abuse. The Federal Police announced that it would begin an investigation into the reports. In early December, the Human Rights Commission of the Chamber of Deputies began to investigate the allegations. However, no further information was available as to the status of the investigations.

In October 2000, the authorities arrested two civil guards in Sao Paulo and accused them of the sexual assault of three teenage girls caught trespassing in a cemetery. Police authorities began an internal investigation into the matter, but no further information was available on the status of the case.

In October 2000, Federal Highway Police arrested a Rio state policeman and accused him of having been a member of a gang that specialized in robbing trucks at gunpoint along the highways. Police were investigating the possible involvement of other officials in the activities of the gang. No further information was available as to the status of the investigation.

After the release of an October 2000 report by Amnesty International that included the case of "Jose", a juvenile in the state of Para who was beaten so severely by police that he has needed psychiatric treatment ever since, the Para state court ordered the Para state government to pay for rehabilitation for the youth, and the guards involved in the case were terminated from duty.

In 1999 the Globo newspaper in Rio de Janeiro published the results of an investigation into the allegations of torture by state police. The police opened a total of 53 investigations regarding complaints of torture against police authorities between 1997, when the torture law came into effect, and 1999. Only one of the inquiries, which had been suspended, officially had been concluded. The report identified several patterns of torture, including the use of electric shock, beatings with iron bars, and sexual abuse including sodomy with foreign objects. The report noted that police classified such incidents as abuse of authority and physical assault, offenses that are far less serious than torture. As a result of the report, the state government ordered an independent review of the 53 cases, and the Federal Government established a task force to review Rio de Janeiro state police practices; however, the task force had not reported its findings by year's end.

In 1997 at the direction of Captain Clovis Martins de Miranda Filho, as many as 10 civil policemen in Belem, Para state, severely beat and sexually abused Hildebrando Silva de Freitas. In 1998 an internal police investigation concluded that de Freitas had suffered severe physical injury and did not contest the testimony of the witnesses who corroborated his account, but declared that there was no connection between his injuries and the officers who had confronted him. At year's end, the case remained under review by the Para state prosecutors' office. De Miranda has brought a defamation suit against the state ombudswoman for public security in Para for statements that she allegedly made to the press regarding the case. The state has declined to bear the costs of the ombudsman's defense, and the suit was awaiting court decision at year's end.

In November a state court in Minas Gerais awarded compensation of \$11,000 (27,000 reais) to a laborer who had been tortured by police in 1993. The case also had been investigated by a Federal Commission Against Torture established in October as part of the Government's campaign against torture. The Commission includes both Government and NGO representatives and is mandated to review complaints of torture nationwide and to recommend investigation and prosecution of exemplary cases.

Police occasionally used excessive force against protesters, resulting in one death (see Section 1.a.). In April students from the University of Sao Paulo claimed that police had injured about 100 persons in breaking up a demonstration against the Free Trade Area of the Americas (see Section 2.b.).

Police violence against homosexuals continued (see Section 5). Police routinely extort money from transvestites and often beat or kill those who failed to cooperate. Gay rights activists in the city of Recife compiled substantial evidence of extortion and the unlawful use of violence against transvestite prostitutes. In past years, flagrant abuses by the police in the states of Alagoas and Bahia have been reported. Several nongovernmental organizations (NGO's) have documented the existence of skinhead, neo-Nazi, and "machista" gangs that attacked suspected homosexuals in cities including Rio de Janeiro, Sao Paulo,

Salvador, Belo Horizonte, and Brasilia (see Section 5). In some cases, these gangs included police officers.

Uniformed and civil police involvement in criminal activity was widespread. Throughout the country, police were implicated in crimes ranging from killing for hire and kidnaping to drug trafficking and extortion (see Sections 1.a. and 1.b.). There continued to be numerous credible reports of state police officials' involvement in revenge killings and intimidation and killing of witnesses involved in testifying against police officials (see Sections 1.a. and 1.e.). Police also threatened individuals who reported cases of torture (see Section 1.e.).

Human rights groups and the Human Rights Commission of the Chamber of Deputies criticized the alleged sexual abuse of members of indigenous groups by army units stationed in the state of Roraima (see Section 5).

The Sao Paulo Ombudsman received 5,762 complaints about military police from the period 1998-2001. Of these, investigations have begun in 2,034 cases (35 percent), and 1,864 policemen (32 percent) have been punished. The record for investigation of complaints against civil police is much worse. In the period 1998-2001, the Sao Paulo Ombudsman received 5,061 complaints about civil police abuse. Of these, investigations of 531 cases (10 percent) have begun and 364 policemen (7 percent) have been punished. Homicide, disciplinary infractions, poor service, and abuse of authority were the most common complaints against police during the year (see Section 1.a.).

Since it began to function 1997, the Sao Paulo ombudsman has received the greatest number of complaints (in rank order) for disciplinary infractions, embezzlement, abuse of authority, poor service, homicide, poor policing, involvement in drug sales, and threats.

The National Secretariat for Human Rights sponsors training programs in human rights, carried out in cooperation with federal and state entities and national and international organizations, in most states. The Secretariat administers a human rights training program for policemen in cooperation with Amnesty International in 10 states. Human rights groups maintain that the effect of these programs has been limited, at best. However, human rights activists in many states reported willingness of police authorities to address their concerns and to deal with problems brought to their attention.

Respect for human rights and sensitivity to the problems of minorities and the poor are included in police training in Rio de Janeiro. An Institute for Public Security, created in 2000 to reform police organization, recruitment, and training in Rio de Janeiro, has made only limited progress in improving human right performance of the police. A number of states have established ombudsmen (see Section 4).

The International Committee of the Red Cross (ICRC) continued its human rights training courses for high-ranking state military police officers at the Federal Police Academy in Brasilia. A total of 996 military police have been trained since 1999 in basic techniques, including the apprehension and interrogation of criminal suspects without recourse to excessive or unnecessary force. The program has been authorized to proceed until December 2002. The Center for the Study of Violence at the University of Sao Paulo is expected to complete its review of the results by August 2002. At year's end, military police in 20 out of 26 states had incorporated the ICRC program into their general police training program.

The Sao Paulo state's community police training initiative stalled during the year, as the number of officers receiving training remained at roughly 15 percent of Sao Paulo's uniformed police force. Begun in 1997, the program was expected to take 10 years to implement fully. Under the program, high-ranking police officials meet weekly with citizens' consultative groups. The uniformed police also instituted a policy of "recycling" policemen involved in shootings, removing them from patrols for 6 months and offering them counseling.

Prison conditions range from poor to extremely harsh and life threatening. Many penal authorities in those states with the highest prison population did not have the resources to separate minor offenders from adults and petty offenders from violent criminals. Prison riots were frequent occurrences. Discipline is difficult to maintain under such conditions, and prison officials often resorted to inhuman treatment, including torture. Harsh or dangerous prison conditions, official negligence, poor sanitary conditions, abuse by guards, and a lack of medical care led to a number of deaths in prisons (see Section 1.a.).

Severe overcrowding in prisons and police detention centers was prevalent, especially in larger cities. The situation was most critical in the states with the largest prison populations, including Sao Paulo, Rio de Janeiro, Bahia, Rio Grande do Sul, Maranhao, Mato Grosso do Sul, Minas Gerais, Parana, and Pernambuco. A national prison census was completed in November. At year's end, there were approximately 233,000 prisoners in a prison system designed to accommodate 167,000 prisoners; in 2000 there were approximately 213,000 persons incarcerated in facilities designed to accommodate 136,000 prisoners.

Construction of penitentiaries continued. There were plans to build 112 new facilities during the year, with a combined capacity of 32,587 inmates. At year's end, 73 had been completed. The planned construction is not sufficient to alleviate existing overcrowding problems. Problems with overcrowding were most critical in Sao Paulo state, which has approximately 96,000 prisoners but space for only 71,670; the rate of overcrowding is approximately 34 percent. The state opened 33 new facilities during the year, with another 19 scheduled to open in the first 6 months of 2002. In October the state government of Rio de Janeiro, under pressure from state prosecutors, agreed to build prison facilities for 3,000 prisoners to alleviate overcrowding. By year's end, two 500-inmate jails had been constructed, and 64 more spaces were made available in an existing facility.

Amnesty International stated that the prison system was "in crisis" in a 1999 comprehensive report on prisons, which was based on 33 visits to prisons in 10 states. In 1998 Human Rights Watch also issued a comprehensive report based on an extensive review of prison conditions in eight states. Both reports meticulously detailed inhuman conditions and systematic and wide-ranging abuses of human rights throughout the prison system. Among the most serious charges were the commonplace undocumented and uninvestigated deaths of inmates at the hands of authorities or other prisoners, and the routine use of torture against inmates by both guards and police officers.

Torture and mistreatment of prisoners by prison officials also was a serious concern. In October 2000, a public prosecutor charged 20 policemen and 5 penitentiary guards with participating in the torture of 20 prisoners in Sao Paulo's Sorocaba prison. The prisoners and their relatives charge that in July 2000, the prisoners were forced to walk through two rows of police officers (armed with truncheons and sticks) who beat the prisoners as they walked. The prisoners were then divided into groups of five and each group locked into a solitary confinement cell designed to hold one person. Following complaints of torture, the prisoners were transferred to other prisons for their own protection. In order to prosecute, the judge must request the victim's testimony through the time-consuming process of written interrogatories. The case was pending at year's end.

There was no new information concerning the investigation into the allegation of a June 2000 torture incident involving over 100 prisoners in Sao Paulo state's prison facility in the city of Americana. According to Justica Global, a local human rights group, prisoners were forced to pass through a "corridor" formed by military policemen from the Special Operations Unit while the policemen beat the prisoners with iron bars, truncheons, and whips. According to the organization, one prisoner's left arm was broken and another prisoner, Wilson Pereira da Silva, was beaten severely; police then threw a mixture of vinegar, water, and salt on his wounds. The director of the facility was fired shortly after the accusations surfaced.

The case of Otavio dos Santos Filho, who allegedly died as a result of torture at Sao Paulo's Depatri jail in 1999, was filed without resolution.

Poor working conditions for prison guards encourage corruption and aggravate substandard prison conditions. The director of Sao Paulo's Carandiru prison (the largest in the country) told representatives from Amnesty International that many cases of torture and use of excessive force resulted in part from employees' working conditions. An investigation of the more than 1,100 employees of Sao Paulo's prison at the end of 1998 showed that 241 had criminal records themselves. The majority of the charges against the employers were for crimes committed while working at the prison and ranged from drug trafficking and threats to assisting in escapes. The State Secretary of Penitentiary Administration was aware of the guards' criminal pasts and allowed them to continue working. According to an official in Sao Paulo state's School of Penitentiary Administration, the authorities were beginning to investigate guards more aggressively, and fired approximately 150 guards during the first 9 months of the year.

Sao Paulo state prison officials continued to take steps to improve the quality of the guard force. Since 1998 new hires have been required to have a high school diploma and to take human rights courses. Sao Paulo prison authorities also are attempting to improve conditions by building more prisons, by improving training of prison personnel, and by creating committees of community leaders to monitor prison conditions. The Sao Paulo Secretary of Penitentiary Administration has launched new training programs for both directors and workers in penitentiaries, including instruction in human rights, infectious diseases, drug addiction, and ethics.

Prisons do not protect adequately prisoners against violence inflicted by other inmates (see Section 1.a.). For example, on average there are 30 homicides a year in Carandiru prison in Sao Paulo state. Prison gangs dominate the prisons.

In August Sao Paulo police arrested Marcos Puga of Sao Paulo after a warrantless search found three marijuana cigarettes. Puga claimed that the police put a gun to his head, beat him, and sprayed tear gas in his eyes on the way to the police station. While he was in custody, other prisoners failed in an attempt to blow a hole in the jail wall, and during the confusion that followed, the prisoners tortured Puga because of his homosexuality. Puga suffered four knife cuts, burns, a broken nose, and the loss of five teeth and part of an

ear. The Secretary of State for Human Rights Gilberto Saboia called on the Sao Paulo authorities to punish the guilty and to indemnify Puga, but there were no reports that such steps had been taken by year's end.

No official count of the number of riots and rebellions was available, but most likely many dozens, if not hundreds, of such events occurred during the year. Minor riots at the end of 2000 continued into the beginning of the year and led to a massive rebellion in mid-February, coordinated by a powerful prison gang (First Capital Command), involving over 25,000 inmates in almost 30 prisons in Sao Paulo state. Prisoners took thousands of family members, guards, and prison officials hostage. One of the worst riots occurred in Carandiru prison, where police, prison guards, or other inmates killed 16 prisoners. Television cameras showed riot police firing at unarmed prisoners from atop a wall; human rights groups accused police of the unprovoked killing of at least two prisoners. Another five prisoners were hanged or decapitated, apparently executed by other prisoners. Following the February riots, the Sao Paulo governor mandated Carandiru's closure. Prisoner transfer began in December and is scheduled to be completed by March 2002.

The authorities charged the director of security and discipline of Andradina Penitentiary in Sao Paulo State with triple homicide in the February asphyxiation deaths of prison gang members; the men were killed while being punished for participation in the riots (see Section 1.a.).

In April in Rio de Janeiro, prisoners killed two other prisoners during a prisoner revolt at the Campos penitentiary. The killers were identified, convicted, and sentenced to additional time in prison. In January a convicted drug trafficker was hanged in his cell at the maximum-security Bangu penitentiary, in a manner that the authorities stated ruled out suicide. An investigation into the killing continued at year's end.

Mass escapes and armed "rescues" of prisoners by gang members were common throughout the country. In one prominent example, 105 high-risk prisoners escaped from Carandiru prison in one night in July through a tunnel dug from outside of the prison. Police succeeded in recapturing only a few of the escapees.

Prisoners also are subjected to extremely unhealthy conditions. Scabies and tuberculosis, diseases not common in the general population, are widespread in Sao Paulo prisons, as are HIV/AIDS infection and leprosy. In December the Ministry of Justice estimated that 10 to 20 percent of the national prison population is HIV positive. Denial of first aid and other medical care sometimes is used as a form of punishment. According to the U.N. Committee on Torture's report, homosexuals and patients with AIDS are discriminated against in prisons and are confined to separate cells.

Overcrowding is an even greater problem in police stations than in penitentiaries. Police stations are meant to be only temporary holding facilities; however, due to often long pretrial delays and overcrowding in state penitentiaries, almost 53,000 of the 229,000 prisoners reside in such local lockups, awaiting transfer to state penitentiaries. Police lockups and other detention facilities typically are run by the state police forces. In May Sao Paulo state representative Emidio de Souza reported on his visit to one district police station that had generated a large number of complaints of torture. The overcrowding there was extremely severe--119 persons were held in a jail built for 16 inmates. Prisoners were confined to cells without ventilation and not allowed regular opportunities to bathe. They reported an unreliable supply of water and being fed spoiled food on occasion. They also claimed to have been beaten with a baseball bat. Many of them had serious medical problems. Mentally ill inmates lived among other prisoners and were given no medical attention. One inmate had feces on his body and infected wounds on his legs and feet. The week before de Souza's visit, one prisoner had been diagnosed with tuberculosis and prison visitation hours had been cancelled because of the risk of contagion. One prisoner who suffered convulsions and another with a broken ankle had been denied medical care. Scabies and pulmonary disease such as pneumonia and bronchitis were common. De Souza noted that most of these prisoners already had been sentenced and should have been transferred to penitentiaries.

The judiciary's ineffective use of alternative sentencing contributed to the problem of overcrowding. In 2000 the Ministry of Justice inaugurated a National Center for Support of Alternative Sentences to encourage the judiciary to allow convicts sentenced to less than 4 years' incarceration to do community service in place of custody. However, despite recent substantial increases in funding, alternative sentencing remained underutilized. Only 10 states used alternative punishments, and only 3 percent of convicted prisoners received such a sentence.

Sao Paulo prison authorities openly acknowledged that overcrowding has led to abysmal conditions and violent riots in Sao Paulo prisons. Among the prisoners' complaints were overcrowding, the slow parole process, and lack of conjugal visits. Sao Paulo officials have developed the concept of Centers for Resocialization--prisons which house only 210 prisoners and work in conjunction with NGO's to teach prisoners a skill while they are incarcerated. At year's end, nine were functioning and one was scheduled to open in February 2002.

Authorities attempt to hold pretrial detainees separately from convicted prisoners; however, due to prison overcrowding, pretrial detention facilities often are used to house convicted criminals as well.

The states of Rio de Janeiro and Sao Paulo provide separate prison facilities for women, but generally only in houses of detention or actual prisons; in those states there are no facilities that are exclusively female--including inmates, guards, and wardens. Women are held with men in some facilities. Male officers serve in women's prisons, and abuse and extortion of sexual favors are common. In Rio de Janeiro state, there are only two police districts in which women in lockup are held in gender-segregated short-term jail facilities. Women's facilities in Sao Paulo's penitentiary system are even more overcrowded than those for men. Facilities built to accommodate 1,700 female inmates held 2,200 at year's end. The state's prison expansion program does not include provisions for additional space for women.

In April civil police were called in to put down a rebellion that occurred at a prison for women in Sao Paulo City. A representative of a human rights organization claimed to have seen women with severe head wounds. Police reportedly kicked pregnant inmates. There was no investigation.

The situation in Sao Paulo's juvenile detention centers (FEBEM) improved somewhat during the year, although overcrowding, poor conditions, riots, and accusations of torture continued. In April the U.N. Special Rapporteur on Torture testified to seeing iron bars and wooden sticks used to beat FEBEM inmates.

Also in April, the Sao Paulo Chamber of Deputies Commission on Human Rights visited three FEBEM facilities and noted that many juveniles appeared to have been subjected to torture. According to their report, beating with wire and gun butts, electric shocks, and asphyxiation were popular methods of torture. The Commission criticized inadequate medical care, unsanitary conditions, and cells with no natural light in which a minimum of eight juveniles resided.

In May a rebellion occurred at the Tatuape FEBEM facility. As a result, guards beat 78 inmates.

A new president of FEBEM, Saulo Castro de Abreu Filho, was appointed in January. He was the fifth person to hold this office in 15 months. His first actions were to empty the most problematic FEBEM facility, Parelheiros, and follow up on complaints of maltreatment by both FEBEM guards and inmates. Abreu Filho also publicly admitted the existence of torture in FEBEM, and undertook measures to eliminate its use.

According to the Public Prosecutor for Children and Youth, the number of torture complaints against juvenile inmates in Sao Paulo decreased significantly during the year. In 2000 the Public Ministry was investigating 87 cases of torture and mistreatment and considering for investigation another 52 complaints of mistreatment. In the first half of the year, there were 21 new complaints. According to the Public Prosecutor, the use of the two most common forms of torture in FEBEM, "repique" and "recepcao," has decreased. With repique, after attempted escapes or rebellions, employees gather inmates and beat them with iron bars, sticks, and chains. Recepcao occurs when adolescents are transferred to a different facility and must pass through two rows of guards who kick, beat, and scream at them.

The issue of FEBEM inmates held in an "irregular" state was resolved during the year. Some 900 FEBEM juveniles had been held in adult prison facilities, in violation of federal law. In May these youths were transferred to FEBEM facilities holding only adolescents from 12 to 18 years of age. Persistent attempts in the Congress to reduce the age of majority (to as low as 12 years of age) have failed. Construction of new FEBEM facilities continued during the year, although at a slow pace. After violent riots at the Tatuape complex in November 1999, Sao Paulo Governor Mario Covas significantly increased FEBEM's budget and promised to build 20 new facilities. As of September, seven had been built, but they have failed to resolve overcrowding. The problem has been exacerbated by a significant increase in the number of incarcerated juveniles--from 3,900 to 4,700 in the first 8 months of the year.

In September press coverage highlighted the severe problem with overcrowding in FEBEM with reports about FEBEM's "reception" facility at Bras, where offenders are held while awaiting their initial hearing before a judge. This process should take a maximum of 7 days; however, in practice, it often takes more than a month. This has led to well over 400 juveniles being held in a facility that was built to hold 62. The Public Prosecutor for Children and Youth compared the situation to concentration camps. Inmates sleep three abreast on top of mattresses laid on a concrete floor. They are not allowed to speak or engage in physical activity, and spend the day watching television. Afraid of rebellion, the authorities limit inmates' use of the bathroom. Health concerns became more acute when at least one youth tested positive for tuberculosis.

It is government policy to permit prison visits by independent human rights monitors, and state prison authorities generally observe this policy in practice. The U.N. Special Rapporteur was given full access during

his 3-week fact-finding mission in 2000. Federal officials in the Ministry of Justice responsible for penal matters offered full cooperation to Amnesty International, which reported no significant problems in gaining access to state-run prison facilities.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention, and the Government generally observes this prohibition; however, police continued at times to arrest and detain persons arbitrarily. The Constitution limits arrests to those caught in the act of committing a crime or those arrested by order of a judicial authority. The authorities generally respect the constitutional provision for a judicial determination of the legality of detention, although many convicted inmates are detained beyond their sentences due to poor record keeping. The law permits provisional detention for up to 5 days under specified conditions during a police investigation, but a judge may extend this period. However, groups that work with street children claim that the police sometimes detain street youths illegally without a judicial order or hold them incommunicado.

Defendants in criminal cases arrested in the act of committing a crime must be charged within 30 days of their arrest, depending on the crime. Other defendants must be charged within 45 days, although this period can be extended. Defendants for all but the most serious crimes have the right to a bail hearing.

Human rights monitors alleged that civil and uniformed police regularly detain persons illegally to extort money or other favors.

During a protest in 1999 by land reform activists over a proposed increase in the toll for a privatized rural road, police in the city of Boituva, Sao Paulo State, arrested six persons for allegedly damaging and stealing from toll booths. Landless movement members claim that the trial produced no evidence to prove the charge against them.

Bail is available for most crimes, and it is used. The Constitution prohibits forced exile, and the Government does not use it.

e. Denial of Fair Public Trial

The judiciary is an independent branch of government; however, it is inefficient; subject to political and economic influence, especially at the state level; lacks resources; and officials are trained poorly. In many instances, lower-income, less educated citizens make limited use of the appeals process that otherwise might ensure the right to fair trial.

The judicial system, with the Federal Supreme Court at its apex, includes courts of first instance and appeals courts. States organize their own judicial systems but must adhere to the basic principles in the Constitution. Specialized courts deal with police, labor, elections, juveniles, and family matters.

Based on the police investigation that leads to the formal charges, prosecutors prepare an indictment for the review of a judge, who determines if the indictment meets the legal requirements to bring the accused to trial. A judge and jury try persons accused of capital crimes and attempted homicide. A judge tries lesser crimes. Defendants have the right to appeal all convictions to state superior courts. They further have the right to appeal state court decisions to both the Federal Supreme Court on constitutional grounds and to the Federal superior court to contest whether a decision was inconsistent with the decision of a court in another state or infringes on federal law. All defendants sentenced to 20 years in prison or more have the automatic right to a retrial in the same court.

Special police courts have jurisdiction over state uniformed police (except when charged with homicide); the record of these courts shows that conviction is the exception rather than the rule. Most police accused of crimes are brought before this court. These courts (which are separate from the courts-martial of the armed forces, except for the final appeals court) are composed of four ranking state uniformed police officials and one civilian judge. With too few judges for the caseload, there are backlogs, and human rights groups note a lack of willingness by police to investigate fellow officers. In 1999 an investigation into Sao Paulo's special courts for uniformed police uncovered 1,107 "missing" and "delayed" cases against uniformed police charged with crimes against civilians, including murder and torture. In 1999 a newspaper that had access to 300 cases under investigation found 100 murder charges among them, some delayed for up to 12 years. Equally long delays allowed many cases of torture and lesser charges to expire due to statutes of limitations. This probe was the closest scrutiny ever of the special police courts and resulted in the authorities bringing criminal charges against two court officials, although the results are not known.

A 1996 law gives civilian courts jurisdiction over cases in which uniformed police officers are accused of homicide (see Section 1.a.). However, except for the most egregious cases, the internal police investigation determines if the homicide was intentional, and the police tribunal decides whether to forward a case to a civilian court for trial. As a result, few cases are referred to the civilian courts. It takes 8 years to reach a definitive decision in the average case. At the appellate court level, a large backlog of cases hinders the court's ability to ensure fair and expeditious trials.

There continued to be numerous credible reports of state police officials' involvement in intimidation and killing of witnesses involved in testifying against police officials (see Sections 1.a. and 1.c.). In January Ednaldo Viera Galdino registered a complaint against three military police in Sao Paulo city. Galdino was in a bar when the policemen entered and ordered him to leave. Galdino, who is hearing impaired, did not hear the order and remained seated; one policeman began to beat and threaten. After filing a complaint, Galdino's family received threats. Two of the policemen involved were identified and relieved of duty.

Defendants are entitled to counsel and must be made fully aware of the charges against them. There is no presumption of innocence. According to the Ministry of Justice, approximately 85 percent of prisoners cannot afford an attorney. In such cases, the court must provide one at public expense; courts are supposed to appoint private attorneys to represent poor defendants when public defenders are unavailable, but often no effective defense is provided. Juries decide only cases of willful crimes against life, including crimes by police; judges try all others.

The right to a fair public trial as provided by law generally is respected in practice, although in some areas, particularly rural areas, the judiciary generally is less capable and more subject to influence. Similarly local police often are less dutiful in investigating evidence, prosecutors are reluctant to initiate proceedings, and judges find reasons to delay when cases involve gunmen hired by landowners to kill squatters or rural union activists (see Section 1.a.).

Low pay, combined with exacting competitive examinations that in some years eliminate as many as 90 percent of the applicants, make it difficult to fill vacancies on the bench. The law requires that a trial be held within a set period of time from the date of the crime. However, due to the backlog, old cases frequently are dismissed unheard. According to a former judge, this practice encourages corrupt judges to delay certain cases purposely, so that they can be dismissed. Defense counsel often drag out cases as long as possible in the hope that an appeals court might render a favorable opinion and because they are paid according to the amount of time that they spend on a case.

According to one observer, courts convict a much higher percentage of Afro-Brazilian defendants than they do whites (see Section 5).

There were no reports of political prisoners, although the MST leaders claim that its members jailed in connection with land disputes are in effect political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for freedom from arbitrary intrusion into the home; however, there were reports that the police conducted searches without a warrant (see Section 1.c.), although there are no reports on how frequently this occurs. Wiretaps authorized by judicial authority are permitted. The law regulating the conditions under which wiretaps may be used appears to strike a fair balance between giving the police an effective law enforcement tool and protecting the civil liberties of citizens.

The inviolability of private correspondence generally is respected; however, newspaper reports beginning in August carried coverage of alleged domestic espionage by military intelligence units against leftwing groups and land reform and human rights activists in the area of Maraba, Para state. Activists in Maraba confirmed that they were aware of military surveillance. President Cardoso criticized such activities; however, the military called the reports inaccurate and overblown.

No progress was made in the case of mass sterilizations promoted among women of the Pataxo tribe of Bahia by Federal Deputy Dr. Roland Lavigne in exchange for votes during his 1994 electoral campaign (see Section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution prohibits all forms of censorship and provides for freedom of speech and a free press, and the authorities generally respect these rights in practice; however, there were several attacks against journalists during the year.

Privately owned newspapers, magazines, and a growing number of on-line electronic publications vigorously reported and commented on government performance. Both the print and broadcast media routinely discussed controversial social and political issues and engaged in investigative reporting. Most radio and television stations are owned privately; however, the Government has licensing authority, and politicians frequently obtained licenses. The Liberal Party controls a national network of radio and television stations. Current or former congressional representatives, some of whom are or were members of the committee that oversees communications, own many television and radio stations, as well as local newspapers. It is difficult to determine how many media outlets were controlled indirectly by politicians, since concessions often are registered in the names of family members or friends linked to them. In addition, the Government regularly approved transfers of concessions already granted to other individuals with little oversight.

Penalties for libel under the 1967 Press Law include imprisonment, which is considered extreme by judges and rarely is imposed. The National Newspaper Association (ANJ) continued to press for an updated press law, noting that the existing law dates from the time of the military regime and does not establish criteria for calculating maximum fines for libel. The ANJ and newspaper owners throughout the country have complained about judges who have imposed huge fines and jail terms against newspapers for "moral damage" that appear aimed at crippling news organizations. In December Maura Fraga, a journalist of the newspaper A Gazeta in Vitoria, Espirito Santo, was convicted of libel, sentenced to house arrest, and prohibited from leaving the city without judicial authorization and from frequenting bars or consuming alcoholic beverages for 2 years. In signed newspaper columns, Fraga had accused Federal Deputy (and former state governor) Max Mauro of involvement in organized crime and drug trafficking.

In March, President Cardoso signed a decree prohibiting government attorneys from commenting on ongoing cases; however, in May he rescinded the decree following popular criticism.

Complex electoral campaign laws regulate the broadcast media and prescribe complicated arrangements to apportion the free use of commercial radio and television broadcast time granted to political parties during an election campaign. The short periods for rulings and non-appeal provisions of the regulations are designed to enforce discipline and ensure that remedies are applied in a timely manner. Media and free speech advocates generally accept the manner in which the campaign laws are enforced.

Foreign publications are distributed widely; prior review of films, plays, and radio and television programming is used only to determine a suitable viewing age.

The National Federation of Journalists (FENAJ) and the ANJ have documented a number of violent attacks, including killings and threats, against journalists. The August ANJ report, which covered the period August 2000 through July, listed seven cases of physical aggression against journalists (including one case that involved Brazilian journalists in Paraguay). The ANJ report noted that seven journalists have been murdered since 1995 and that none of the crimes have been solved. The ANJ further stated that impunity for crimes committed against journalists and inappropriate and inconsistent application of the Press Law impeded the functioning of a free press.

Several press freedom groups expressed concern over the murder on August 16 of journalist Mario Coelho de Almeida Filho in Rio de Janeiro state. Coelho was killed by a gunman the evening before he was to testify in a criminal defamation lawsuit involving a local politician. No arrest had been made in the case by year's end.

In August a journalist for a leading Brazilian television network received repeated implied death threats after the network ran her series of investigative reports on drug trafficking in Rio de Janeiro's shantytowns. The state police did not respond to her appeals for protection, and she went into hiding before year's end.

In March the Inter-American Press Association (IAPA) announced that it would assist the authorities in the investigation of killings of journalists in the country; however, there is no information on what assistance has been provided.

According to the IAPA, in March 2000, journalist Ricardo Noblat, managing editor of the newspaper Correio Braziliense of Brasilia, alleged that two of his sons had been attacked and that he had been receiving anonymous telephone threats since 1998. He stated that these actions constituted political persecution due to his professional activities. In June 2000, the CDDPH gave the Justice Minister a preliminary report on the attacks on Noblat's sons. Although it was only preliminary, the report by the Justice Ministry concluded that the

attacks were political. However, no further information was available on any investigation into the attacks.

Federal and state police have begun to monitor the Internet to detect on-line recruitment by sex traffickers (see Section 6.f.); however, the Government does not impose restrictions on the use of the Internet.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to assemble peacefully, and the Government generally respects this right in practice. Permits are not required for outdoor political or labor meetings, and such meetings occur frequently.

Police used excessive force to disperse demonstrators on several occasions during the year, resulting in serious injuries and at least one death (see Sections 1.a. and 1.c.). In July police in the Federal District killed one protester during a demonstration in support of land reform. In April students from the University of Sao Paulo claimed that police had injured about 100 persons while breaking up a demonstration against the Free Trade Area of the Americas. In May Bahia state police entered the campus of the Federal University of Bahia and used tear gas against thousands of protesters who were calling for the removal of Senator (and former Bahia governor) Antonio Carlos Magalhaes, reportedly injuring as many as 30 persons.

MST protests increased during the year, despite the fact that the Government claimed to have invested \$4.1 million (11.2 billion reais) in agrarian reform. Protests in the capital, Brasilia, united large numbers of protesters. Demonstrations in Brasilia were usually concurrent with smaller, local protests and invasions, of between 200 and 5,000 landless activists. Many protests occurred without incident, with some exceptions. In March a total of 16 MST members were injured in a confrontation with military police in Minas Gerais. The confrontation began when members of the MST attempted to break a police blockade, causing the police to respond with tear gas and rubber bullets. The MST's tactic of forcibly invading public buildings exemplified increasing aggressiveness on the part of the movement.

The number of land invasions decreased during the year. According to INCRA (the government agency charged with implementing land reform), there were only 146 invasions by landless militants during the year compared with 226 in 2000, which indicates that the large amount of land that has been distributed by the Federal Government may have contributed to decreasing the activities of the landless movement. Government and NGO claims regarding the numbers of families resettled from 1995 to year's end range from between approximately 405,000 and 586,000 families. The CPT noted that the number of conflicts between landless movement members, landowners, and police increased over the last 2 years; there was a corresponding increase in the number of deaths from 21 in 2000 to 31 in 2001; the Government reports that there were 10 deaths in 2000 and 8 in 2001.

In March Amnesty International called for a renewed investigation into the use of police violence, including rubber bullets and teargas, to disrupt an April 2000 march in protest of ceremonies in Porto Seguro to mark the 500th anniversary of Portuguese arrival (see Section 5). Human rights observers criticized the police for injuring over 30 persons, detaining 141 persons, and limiting free assembly and lawful protests. Those detained were released without charge.

The Constitution provides for freedom of association, and the Government generally respects this right in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. There is no favored or state religion. All faiths are free to establish places of worship, train clergy, and proselytize, although the Government controls entry into indigenous lands.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement, except entry into protected indigenous areas, nor are there any restrictions on emigration or return. However, a parent is not allowed to leave the country with children under the age of 18 without the permission of the other parent, whether or not the marriage still is in effect.

A 1997 law provides for asylum and refugee status in accordance with the principles of the 1951 U. N.

Convention Relating to the Status of Refugees and its 1967 Protocol. The Government provides first asylum and cooperates with the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. There were an estimated 2,700 refugees in the country, mostly from Angola and other African countries, but also including persons from Iran, Bosnia, and Kosovo. In August the National Secretary of Justice announced that the Government would join a U.N. program for the resettlement of refugees, and would accept a group of 100 refugees from Iran, Namibia, and Afghanistan. During the year, a total of 529 persons were granted refugee status, out of a total of approximately 600 requests.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Voting is secret and mandatory for all literate citizens aged 18 to 70, except for military conscripts who may not vote. It is voluntary for minors from 16 to 18 years of age, for the illiterate, and for those age 70 and over.

In the October 1998 elections, President Fernando Henrique Cardoso won a second term with 53 percent of the vote in the first round. The next national elections are scheduled for October 2002.

The Chamber of Deputies has 513 seats; the Senate has 81 seats. The distribution of seats among the 4 largest political parties in Congress as of October 6 was: Liberal Front Party (PFL)—95 deputies and 19 senators; the PSDB, the party of President Cardoso—94 deputies and 19 senators; Brazilian Democratic Movement Party (PMDB)—89 deputies and 23 senators; and the Worker's Party (PT)—59 deputies and 7 senators.

On September 5, Congress passed a constitutional amendment limiting the president's power to legislate by "provisional measure (MP)." The new limits allow the president to issue MP's only valid for 60 days (renewable once) and force the Congress to vote on making MP's laws within 45 days or face a blocked agenda. The President no longer may issue MP's that address nationality, citizenship, political rights, legal due process, or the judicial branch, or that change the Constitution or the budget (except under extraordinary circumstances).

Women have full political rights under the Constitution and are increasingly active in politics and government; however, the percentage of women politics and government does not correspond to their percentage of the population. Cultural, institutional, and financial barriers continue to limit women's participation in political life. The number of female candidates for office in the 1998 national elections roughly doubled, compared with the number in 1994, according to statistics released by the Supreme Electoral Court (TSE). Women constituted approximately 12 percent of the total candidates. However, their representation in the national Congress decreased from 7.6 percent to 6.1 percent after the 1998 elections; 29 women were elected to the 513-seat Chamber of Deputies, and 5 to the 81-seat Senate. In August 2000, the TSE reported that for the first time, a majority of registered voters were female (50.45 percent). The TSE also reported that there were over 70,000 female candidates for the nationwide municipal elections in 2000. At 18.3 percent of the total number of candidates, this was a 40 percent increase from the last municipal elections in 1996. There are no female members of Cabinet. In December 2000, the first woman took her seat on the country's highest court, the Supreme Federal Tribunal.

Diverse ethnic and racial groups, including indigenous people, are free to participate politically; however, the percentage of these groups in government and politics does not correspond to their percentages in the general population.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of local and national human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Federal officials usually are cooperative and responsive to their views. Due to insufficient resources, federal and state officials in many cases actively solicit the aid and cooperation of NGO's in addressing human rights problems. However, on occasion human rights monitors are threatened and harassed for their efforts to identify and take action against human rights abusers, especially members of the state police forces. In December President Cardoso stated that he welcomed visits by international human rights groups to conduct investigations.

In September 2000, Jose Eduardo do Bernardes da Silva, a member of Amnesty International, and Roberto de Jesus, president of the Gay, Lesbian, and Bisexual Pride Association, both received bombs in the mail with

swastikas and the word "revenge" printed on the package. Shortly thereafter da Silva fled to Spain out of fear of skinhead groups supposedly responsible for the incidents. Sao Paulo police claimed to have discovered evidence that da Silva planted these bombs. The Government has made a request to the Government of Spain for da Silva's extradition, reportedly citing charges of attempted homicide, falsifying a crime, and fraud. Henri des Roziers, a Dominican monk, attorney, and human rights activist in Xinguara, Para state, continued to receive death threats during the year for his assistance to victims of violence in the region and his direct involvement in criticizing cases of torture, police abuse, and forced labor.

In May 2000, U.N. High Commissioner for Human Rights Mary Robinson visited the country and met with a full range of NGO's as well as government officials. Robinson declared that impunity from prosecution was the greatest human rights problem, linking it to killings, torture, racial and sexual discrimination, and the exploitation of children. She stated that the U.N. might open an investigation into the repression of indigenous rights during an April 2000 commemoration of the 500th anniversary of the arrival of Europeans to the country (see Sections 2.b and 5). However, as of September, no such investigation by the U.N. had been opened.

The Justice Ministry's National Secretariat of Human Rights oversees implementation of a 1996 action plan to address human rights abuses. The Secretariat also administers or sponsors programs to reduce violence among the poor, to train police officials in human rights practices, and to combat discrimination against blacks, women, children, indigenous people, the elderly, and the disabled. In May 2000, the Government appointed Gilbert Saboia, former ambassador to Sweden, as the new Secretary for Human Rights. In October the Government established a Federal Commission Against Torture (see Section 1.c.).

A number of states have ombudsmen (see Sections 1.a. and 1.c.). In September the ombudsman in Rio de Janeiro resigned in protest over violations of his office's independence. The State Secretary of Public Security fired the ombudsman's uniformed police advisor after a disagreement (even though the ombudsman's office is theoretically independent of the Secretary); the ombudsman quit and the Rio state governor promptly named a replacement.

In December 2000, the Government released the second National Report on Human Rights, which provides a comprehensive account of the human rights situation in each state. The report also provides information on health, education, public security, and labor conditions and a list of human rights monitors and advocates in each state.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The law prohibits discrimination on the basis of sex, race, religion, or nationality; however, discrimination against women, blacks, and indigenous people continued to be a problem. The International Labor Organization (ILO) notes that important differences in wages affect women and blacks, particularly in rural areas. A 1997 law provides prison penalties and fines for racist acts, including promulgation of pejorative terms for ethnic or racial groups, use of the swastika, or acts of discrimination based on sex, religion, age, or ethnic origin. Several persons have been charged with racism since the law's enactment, mostly for the use of racial slurs. There have been no known convictions under this law.

There continued to be reports of violence against homosexuals, although it was not clear always that the victim's sexual orientation was the reason for the attack. The Gay Group of Bahia (GGB), the country's best known homosexual rights organization, and Amnesty International have documented the existence of skinhead, neo-Nazi, and "machista" gangs that attacked suspected homosexuals in cities including Rio de Janeiro, Sao Paulo, Salvador, Belo Horizonte, and Brasilia. In some cases, these gangs included police officers (see Section 1.c.).

A study by the GGB reported that 123 gay, lesbian, and transgender persons were murdered during the year, compared with 130 in 2000. The report claimed that 1,960 homosexual persons had been murdered from 1980 to 2000. However, claims that violence against homosexuals is increasing cannot be confirmed, because the motives for the crimes are not always clear. Information from the GGB and other homosexual rights groups indicates that transvestite prostitutes, the most visible homosexual group, are at a greater risk of violence than other homosexuals; there have been reports of police abuse of transvestites (see Section 1.c.). The GGB cited two cases of such abuse in the state of Bahia during the year.

A prominent example of violence directed at homosexuals occurred in Sao Paulo in February 2000, when Edson Neris da Silva was beaten to death by a skinhead gang after having been seen holding hands with another man. Eighteen persons were accused in the crime. In February a court sentenced two alleged gang members to 21 years in prison, while a third suspect received a lighter sentence. The others had not yet been tried at year's end.

In September 2000, Jose Eduardo do Bernardes da Silva, a member of Amnesty International, and Roberto de Jesus, president of the Gay, Lesbian, and Bisexual Pride Association, both received bombs in the mail with swastikas and the word "revenge" printed on the package. However, the Sao Paulo police claimed to have discovered evidence that da Silva may have been responsible for the attempts (see Section 4).

The state of Rio de Janeiro passed legislation in 2000 that went into effect in November 2001 banning discrimination against homosexuals, with fines up to \$3,700 (10,000 reais).

The Secretariat of State Security of Rio de Janeiro state, in partnership with NGO's, continued to operate a hot line to receive complaints of violence or other crimes against homosexuals. The Secretariat also continued to operate a hot line for complaints of prejudice, discrimination, or other crimes based on race, ethnicity, color, religion, or national origin. The offices in police headquarters where both hot lines are located also offered professional counseling to victims of such offenses.

A state law approved in Rio de Janeiro in May prohibits discrimination against carriers of AIDS by schools, stores, and clubs, with fines for violators up to \$18,500 (50,000 reais).

In Sao Paulo in October, the country's first Homosexual Defender office began to function, funded in part by a grant from the federal Ministry of Justice. The entity gives free legal assistance to homosexuals suffering from discrimination or who are victims of verbal or physical hate crimes.

Women

The most pervasive violations of women's rights involved sexual and domestic violence, which are both widespread and vastly underreported. There is a high incidence of physical abuse of women. Most major cities and towns have established special police offices to deal with crimes of domestic or sexual violence against women; there are over 300 such offices. However, reporting crimes and receiving help continue to be a problem for women living in remote areas who sometimes must travel great distances to the nearest special precinct. For example, the large but sparsely populated states of Acre and Roraima each has only one such precinct.

The numbers of reported crimes against women continued to increase. For example, in the state of Sao Paulo, there were 310,058 complaints of violence against women in 2000, compared with 263,702 in 1999. This included 2,403 reported cases of rape or attempted rape in 2000, compared with 2,386 for 1999. In the Federal District, the number of reported cases of rape declined slightly to 371 during 2000, compared with 416 cases in 1999. The annual number of cases of harmful physical assault against women reported to the police in the state of Rio de Janeiro nearly doubled from 1991 to 1999, to 34,831, and the number of rapes reported increased from 952 to 1,455. Both state authorities and women's rights activists agree that a large number of rapes go unreported. According to a 1998 study of two middle-class neighborhoods in Rio de Janeiro, only 10 percent of women who had suffered violent attacks reported them to the police.

In April the Inter-American Commission on Human Rights (IACHR) issued its first decision on the issue of violence against women in a case brought by Maria da Penha Maia Fernandes, a woman who in 1983 repeatedly was beaten by her husband and left paraplegic. The IACHR recommended that the perpetrator be prosecuted and the victim compensated, and that the Government "continue and expand the reform process...to end the condoning by the State of domestic violence against women."

In March state authorities in Rio de Janeiro responded to the rise in reported violence against women by opening an integrated center for support to women victims of violence or discrimination. The center can provide psychological and legal assistance to 130 women per month and has a hot line to encourage women to register complaints. Women who consult the center about domestic violence can stay at women's shelters run by the city of Rio de Janeiro and a smaller town. The rising demand of women and their children to stay in the shelters exceeds capacity, and the Rio state government began construction of additional facilities during the year.

Each state Secretariat for Public Security runs "women's stations" (delegacias da mulher). However, the quality and availability of services provided varies widely, especially in isolated areas. The stations are intended to provide the following services for victims of domestic violence: Psychological counseling; a "shelter home" for victims of extremely serious abuses who have no place to go; hospital treatment for rape victims, including treatment for HIV and other sexually transmitted diseases; and initiation of criminal cases by investigating and forwarding evidence to the courts. However, a Ministry of Justice report released in November revealed that many of the women's stations fell far short of standards. For example, 20 percent lacked a conventional telephone line, 53 percent lacked police officers trained in dealing with violence against

women, and 77 percent did not have an officer on duty 24 hours a day.

The penalties for rape vary from 8 to 10 years in prison. An offender accused of domestic violence in a case that does not involve a serious offense and carries penalties of less than 1 year's imprisonment may receive alternative sentencing with no jail term, according to the Latin American and Caribbean Committee for the Defense of Women's Rights. A national study of rape cases carried out by a group of Sao Paulo academics indicated that family members committed roughly 70 percent of rapes within their own homes.

Spousal rape is illegal. Men who commit crimes against women, including sexual assault and murder, are unlikely to be brought to trial. A 1999 study by an academic at the Catholic Pontifical University of Sao Paulo indicates that 70 percent of criminal complaints regarding domestic violence against women are suspended without a conclusion. Only 2 percent of criminal complaints of violence against women lead to convictions. In 1998 the National Movement for Human Rights (NMHR) reported that female murder victims were 30 times more likely to have been killed by current or former husbands or lovers than by others, a rate that the NMHR believes still continues.

Adult prostitution is not illegal; however, various associated activities, such as running an establishment of prostitution, are illegal.

Trafficking in women for the purpose of prostitution is a serious problem (see Section 6.f.).

Sexual harassment is a problem and in April it became a criminal offense, punishable by 1 to 2 years in jail. In addition to its application in the workplace, the law encompasses sexual advances between family members, individuals in educational institutions, and service providers or clients. In the workplace, it applies only in hierarchical situations, where the harasser is of greater rank or position than the victim.

The Constitution prohibits discrimination based on sex in employment or pay and provides for 120 days of paid maternity leave. However, the provision against wage discrimination rarely is enforced. According to statistics released in 1998 by the International Confederation of Independent Unions, nationwide women are paid, on average, 44 percent less than men. A May 2000 study by the Brazilian Institute of Geography and Statistics (IGBE) indicated that in the country's six largest metropolitan areas, the median income for women was 67 percent that for men. According to government statistics released in 1998, women with a high-school education or less earn, on average, 63 percent of the salaries earned by men with the same level of education. Afro-Brazilian women earned on average 26 percent of a white male's salary. A 1998 study by a sociologist showed that women who started working in positions in which they earned twice the minimum wage advanced in pay after 10 years to a wage of seven times the minimum wage. Men starting in the same positions earned 2.6 times the minimum wage and advanced to a wage of 10.9 times the minimum wage after 10 years. A Ministry of Labor survey reported that the average starting salary for high-school-educated women in Sao Paulo was one-third less than the average starting salary for high school educated men. According to the Ministry of Labor and Employment (MLE), Centers for the Prevention of Workplace Discrimination have been established in 16 states. These centers, which are housed in regional bureaus of the Ministry, promote programs to end discrimination in the workplace and cultivate partnerships with other organizations that combat discrimination. The centers also serve as clearinghouses for allegations of discrimination.

In response to the Maternity Leave Law, some employers seek sterilization certificates from female job applicants or try to avoid hiring women of childbearing age. A 1995 law prohibits employers from requiring applicants or employees to take pregnancy tests or present sterilization certificates. Employers who violate the law are subject to a jail term ranging from 1 to 2 years, while the company must pay a fine equal to 10 times the salary of its highest-paid employee. At year's end, there was no information on violations of this law.

Children

Millions of children continue to suffer from the poverty afflicting their families, must work to survive, and fail to get an education. Schooling is free and compulsory between the ages of 7 and 14 and is available in all parts of the country, although not all children attend school regularly. The rate of school enrollment of children aged 7 to 14 increased from 89.1 percent in 1994 to 95.5 percent in 1999. Rates of repetition decreased from 30.2 percent in 1995 to 23.4 percent in 1997. However, repetition rates and the poor quality of public schools continue to be a problem. Fully 40 percent of first-graders repeat the year, and in a number of states first-graders are more likely to fail than to pass. Even with increased enrollment, there are still 1.1 million children between the ages of 7 and 14 who do not attend school. Girls and boys attend school in roughly comparable numbers; current elementary enrolment is 51 percent boys, 49 percent girls.

In September 2000, UNICEF reported that nearly 100,000 children die each year before their first birthday,

almost half during the perinatal period. While the national infant mortality rate declined from 50.8 in 1989 to 34 per 1,000 live births in 1999, in some states, such as Alagoas, it reached 72 per 1,000. Some municipalities have a rate of 110 per 1,000.

According to a 2001 UNICEF report based on 1999 data, over 20 million children and adolescents, or almost 35 percent of all children, live in poverty. Nationwide, the Inter-American Development Bank estimates that some 30 million children live below the poverty line and increasingly come from households headed by women.

Child abuse is a significant problem, although the 2001 UNICEF report notes that useful nationwide statistics on child abuse are nonexistent. A CEDECA study of reported cases of violence in Belem (published during the year) showed that complaints of such abuse increased from 2,277 in 1990 to 6,203 in 1999.

Sexual exploitation of children and child prostitution remained a significant problem throughout the country. From February 1997 to August 2001, a Rio de Janeiro-based NGO hot line ABRAPIA received 2,118 complaints of sexual exploitation of children and adolescents nationwide, including 333 in Rio de Janeiro city and 156 in Sao Paulo city. A 1999 study by the Reference Center on Children and Adolescents (CECRIA), an entity within the National Human Rights Secretariat, indicated that patterns of sexual exploitation of children correspond to the distinct economic and social profile of the country's region. In the northern Amazonian region, sexual exploitation of children centered around brothels that cater to mining settlements. In the large urban centers, children, principally girls, who leave home to escape abuse or sexual exploitation often prostituted themselves on the streets in order to survive. In the cities along the northeast coast, sexual tourism exploiting children was prevalent, and involved networks of travel agents, hotel workers, taxi drivers, and others who actively recruit children and even traffic them outside the country (see Section 6.f.). Child prostitution also is developed in the areas served by the country's navigable rivers, particularly in ports and at international borders. In port cities, crews from cargo vessels are a primary clientele. The report noted that although trafficking developed in part to meet the demands of foreigners, the local population sustains it. In March 2000, the ILO reported that observers have cited over 3,000 girls who were subject to debt servitude and forced into prostitution in Rondonia state.

Legislation enacted in June 2000 lengthened the maximum sentence to 10 years in prison for persons who manage brothels that exploit child prostitutes. In July 2000, the Government announced the first national pilot program to combat child prostitution, which received a budget during the year of \$556,000 (1 million reais). In December the Ministry of Justice announced a new program to combat trafficking in persons for sexual exploitation in cooperation with the UNDCP--the National Plan to Combat Sexual Exploitation of Children; trafficking is a priority area in the Plan (see Section 6.f.). The program is expected to include research, an informational campaign, and eventual support for an assistance network for victims of trafficking.

The CECRIA report stated that government efforts to combat sexual exploitation of children need to be better tailored and coordinated. It cited 40 separate programs operated by national and international NGO's, some in partnership with Government entities, but notes that most of the programs faced shortfalls in resources and personnel. In association with the Ministry of Justice, the NGO ABRAPIA has since 1997 operated a telephone hot line to register complaints of sexual abuse against children and adolescents. ABRAPIA also administers the "SOS-child" program in Rio de Janeiro state that registers complaints of domestic abuse against children and provides medical and social assistance. In 2000 the Government instituted the Sentinel Program to combat the sexual exploitation of minors. As part of the program, 200 centers are expected to be constructed, in capital cities and areas where sexual exploitation is prevalent, to assist victims of sexual abuse and exploitation. The multiprofessional staff at the centers help victims claim their rights and remove them from abusive situations. When necessary, staff also placed victims in foster homes. As of September, Sentinel included 40 centers throughout the country.

At year's end, trials had not taken place in the 1999 case of a child prostitution ring in Maranhao that involved police, judicial authorities, and elected officials. Charges were brought against the owner of a bar, a local judge, a high-ranking police official, and two attorneys.

Trafficking in children for the purpose of prostitution is a serious problem (see Section 6.f.).

Child labor is a serious problem (see Section 6.d.).

There are no reliable figures on the number of street children. Some are homeless, but the majority returned home at night. CEDECA in Belem, in the state of Para, reported that in 1998 a total of 2,328 youths under the age of 18, or 0.5 percent of the youth population, spent their days in the streets. CEDECA estimated that 97 of those youths lived permanently in the streets. In 2000 a study in the city of Sao Paulo found 609 children living permanently on the street; a much greater number of children spend their days on the streets, but have

families with whom they spend the night.

The city of Rio de Janeiro, in cooperation with NGO's, has provided 41 shelters and group homes (run by the NGO's) for up to 2,501 homeless children and adolescents, but some children appear to prefer the freedom and drugs that street life offers. Drug use, particularly glue sniffing and crack, is increasingly prevalent among street children. NGO's report that extreme poverty at home or sexual abuse by fathers and stepfathers are the principal reasons that many children choose to live in the streets. A study by the IGBE reported that 47 percent of Sao Paulo street children come from families that earn less than \$200 (540 reais) per month. Police killings of street children continued.

In December U.N. High Commissioner for Human Rights Mary Robinson stated that police violence against street children is one of the U.N.'s principal concerns. She specifically expressed concern about the kidnapping of street children for adoption and sexual abuse.

Over the past 10 years, there have been 21 murders in Maranhao State of boys between the ages of 9 and 13; all were from very poor families, and many bore signs of sexual assault. In January 2000, Justica Global and the Macros Passerini Defense Fund filed a complaint with the IACHR accusing the state government and the federal authorities of failing to investigate the crimes; in November the IACHR gave the Government 2 months to investigate and stop the killings. There were no further developments at year's end.

Youth are both victims and perpetrators of violence. Of all deaths of 15- to 19-year-olds, 72 percent are due to causes such as homicide, suicide, and traffic accidents, which reduces by at least 3 years the average life expectancy of men. Approximately 85 percent were victims of commercial sexual exploitation and ranged from 12 to 17 years of age. Homicide is the leading cause of death for children aged 10 to 14, and only 1.9 percent of murderers are serving prison sentences.

A 1991 statute called for the creation of municipal commissions for children's rights; however, a Justice Ministry study released during the year found that only slightly over half of municipalities studied had created these commissions.

The News Agency for Children's Rights closely tracks stories in the media, publishes studies, and gives awards to media outlets that effectively cover child welfare issues. UNICEF also works in cooperation with the media organization Rede Globo to coordinate the Child Hope campaign; in 2000 the campaign raised \$2.2 million (5.5 million reais) to invest in children's programs.

Persons with Disabilities

The Constitution contains several provisions for persons with disabilities, stipulating a minimum wage, educational opportunities, and access to public buildings and public transportation. However, groups that work with persons with disabilities report that state governments failed to meet the legally mandated targets for educational opportunities and work placement. A 1991 law stipulates that all businesses with over 200 employees must reserve 2 percent of their vacancies for persons with disabilities. In 1999 labor officials in the Federal District launched an information campaign to encourage firms to comply with the law and warned that noncomplying firms could be fined; the campaign remains ongoing. The Rio de Janeiro state government's employment bank for persons with physical, auditory, and visual handicaps placed 413 of 1,093 handicapped job applicants in the first 9 months of the year. At least two NGO's in the state of Rio de Janeiro also offered job placement services for handicapped persons during the year.

The National Human Rights Secretariat sponsored a "City for Everyone" program in cooperation with municipal governments and national and international NGO's that focused on providing better access for the disabled to public areas and public transport. There has been little progress nationwide on eliminating architectural barriers, but in December the city of Rio de Janeiro passed a law requiring multifamily condominiums to make alterations ensuring access to handicapped residents. In the city of Rio de Janeiro, the disabled have little or no access to buses (the main public transportation), subway, phone booths, and many other public facilities. In 1999 Rio de Janeiro state mandated that bus companies must make a specific number of buses on certain routes accessible to wheelchair users within 3 months. However, according to the Association of Physically Handicapped Persons, there are no buses in the city adapted for wheelchairs. The city of Niteroi put in service 10 vans specifically for the use of persons with disabilities, but the supply of this service lagged behind the rising demand. However, during the year, the Rio de Janeiro city government began requiring that bus companies provide free passes to persons with disabilities. The state government also created interagency committees to consult with NGO's on how to provide more access for persons with disabilities to buildings, employment opportunities, and competitive sports. An NGO in Niteroi began construction of a sports complex for the disabled. To assist visually impaired persons, some private firms have implemented Braille instructions for shopping and placing orders.

The country has made significant advances in the last few years in expanding the availability of special instruction for children with disabilities. In 1997 only 43 percent of school districts offered special education programs, while by 1999 the percentage offering such programs had increased to 59 percent. However, the availability of such programs varied greatly by region. In the Northeast, only 37 percent of school districts had such programs, while they were available in 81 percent of school districts in Brazil's southernmost three states.

There were over 276,000 mental patients in hospitals in 1999. Cases of nondangerous patients spending their entire lives in institutions are common. The Government paid hospitals \$12 (28 reais) per day for each patient; mental patients are relatively inexpensive to care for, since they receive little or no therapy or medication) and so asylums resisted attempts to restrict hospital stays or develop outpatient services. In June 2000, the Chamber of Deputies' Human Rights Commission released the report of its investigation into the conditions of mental hospitals and asylums. The report cited many examples of understaffed and poorly administered hospitals, substandard living conditions for many patients, and severely overcrowded and dirty facilities. On April 6, President Cardoso signed into law what is essentially a patients' bill of rights, which for the first time establishes clear criteria for commitment into mental institutions and gives the Public Minister (an independent watchdog agency) an opportunity to review each case of involuntary or compulsory commitment.

Indigenous People

The Constitution grants the indigenous population broad rights, including the protection of their cultural patrimony and the exclusive use of their traditional lands; however, the Government has fallen short of securing these rights for indigenous people in practice. The Government estimates that over half live in poverty in communities whose traditional ways of life are threatened on a variety of fronts.

In March the Brazilian Social-Economic Institute (ISA) released a major study of the indigenous people in the country. The study found that, during 2000, the indigenous population grew by 3.5 percent, to a total of approximately 350,000 persons, spread among 216 "nations." At the beginning of the 20th century, the population was approximately one-third its present size, and scholars have estimated that about 1,000 indigenous "nations," comprising 3 to 4 million persons, existed at the time of discovery by the Europeans. However, the report noted many problems faced by the indigenous, including disease and poor health care, loss of native culture, and recurring trespasses and illegal mining and extraction activities on indigenous lands. Road construction and deforestation are also threats. The report also noted that, in the 500 years since discovery, 85 percent of native languages had become extinct.

Indigenous leaders and activists complain that indigenous people have only limited participation in decisions taken by the Government affecting their land, cultures, traditions, and allocation of national resources. They also criticize the Government for devoting insufficient resources to health care, other basic services, and protection of indigenous reserves from outsiders. Illegal mining, logging, and ranching are serious problems on indigenous land.

The National Indian Foundation is responsible for the coordination and implementation of indigenous policies. The President appoints the head of FUNAI; it is organized into 52 regions with directors appointed directly by the FUNAI president.

The 1988 Constitution charged the Federal Government with demarcating indigenous areas within 5 years. By year's end, the Government had completed demarcation of roughly 87 percent of the total area of recognized indigenous territory. During the year, the Government demarcated 33 more areas. Of the 586 recognized indigenous areas, 327 have reached the final registration stage, and 135 remain to be demarcated legally. Identified indigenous territory comprises 12 percent of the national territory.

The Constitution provides indigenous people with the exclusive use of the soil, waters, and minerals on indigenous lands, subject to congressional authorization. In granting such authorization, the Constitution stipulates that the views of the affected communities must be considered and that the communities also must "participate" in the benefits gained from such use. However, legislation regulating mining on indigenous lands pending before the Congress since 1995 has never been passed.

In December the federal attorney's office filed a statement supporting the restoration of demarcated lands of the Caramuru-Catarina Paraguacu reserve to the Pataxo Ha-Ha-Hae tribe. The lands are the subject of a civil action by private landowners. However, no trial date had been set by year's end.

Many indigenous lands are used illegally by nonindigenous persons for mining, logging, and agriculture. Nonindigenous invaders destroy the environment and wildlife, spread disease, and provoke violent confrontations. FUNAI admits that it does not have the necessary resources to protect indigenous lands from

encroachment. FUNAI depends on the Federal Police, an understaffed and poorly equipped agency, for law enforcement on indigenous lands.

FUNAI also has been unable to provide mandated health care and other basic services. Hoping to improve the level of health care provided to indigenous people, in 1999 the Government transferred that responsibility from FUNAI to the Ministry of Health. According to health workers' unions, poor working conditions and lack of resources from the Government make it very difficult for health workers to travel into indigenous areas to provide sufficient medical care. Due partly to the Government's failure to provide adequate medical care as required by law, indigenous people have suffered epidemics of malaria, measles, and tuberculosis. Preliminary information indicates that there have been significant advances in indigenous health since the Ministry of Health's National Health Foundation (FUNASA) became involved in providing health care to indigenous populations. For example, among Yanomami, the incidence of registered cases of malaria fell from 8.3 percent in January 2000 to 0.3 percent in September 2001. Infant mortality among Yanomami also appears to have fallen significantly, although it remains higher than in the population at large.

Human rights groups and the Human Rights Commission of the Chamber of Deputies criticized the alleged sexual abuse of members of indigenous groups by soldiers in army units stationed in the state of Roraima. The Minister of Defense denied the allegations, stating that any sexual relations that took place were consensual in nature, and usually involved soldiers of indigenous origin.

No progress was made in the case of mass sterilizations promoted among women of the Pataxo tribe of Bahia by Federal Deputy Dr. Roland Lavigne in exchange for votes during his 1994 electoral campaign. Women were reluctant to have children because of the high level of poverty in the community, and campaign workers allegedly convinced them that sterilization was the only effective form of birth control. Pataxo leaders claim that the sterilizations constituted genocide intended to free their land for farmers who illegally occupy the Pataxo reserve. Legal action initiated against Lavigne still was pending at year's end.

On July 25, Amnesty International released a report entitled "Racism and the Administration of Justice," which reported brutality against indigenous people. The report cited the 1998 killing of indigenous activist Francisco de Assis Araujo in Pernambuco, attacks in 2000 against the Macuxi and Wapixana groups, and the disruption in 2000 by the military police of the protest against the country's 500th anniversary celebration (see Section 2.b.).

In April 2000, during the celebration of the 500th anniversary of the arrival of the Portuguese in Porto Seguro (Bahia), police used rubber bullets and tear gas to block 2,000 indigenous marchers from entering the city (see Section 2.b.). Indigenous leaders still were seeking damages in civil court as of year's end. In May 2000, U.N. High Commissioner for Human Rights Mary Robinson raised the police's actions with President Cardoso (see Section 4). The President denied any use of excessive force, and in July 2000, a Federal Police investigation reached the same conclusion. However, the Federal Public Prosecutor has challenged these findings. Amnesty International also called for an investigation into the incident. FUNAI president Carlos Frederico Mares resigned in protest over the treatment of indigenous people during the event.

In September 2000, CIMI reported that FUNAI was going to press charges against Jordao, Acre city councilman Auton Farias, and two others for the murder of an indigenous person in Tarauaca, Acre. However, no additional information was available about the case and it appears to be inactive.

Religious Minorities

Leaders in the Jewish community expressed concern over the continued appearance of anti-Semitic material on Internet websites compiled by neo-Nazi and "skinhead" groups. Jewish community activists report that although neo-Nazi groups have issued threats against at least one prominent leader, there have been no reports of any violent incidents directed at Jews.

In September 2000, a neo-Nazi group sent letters to two prominent Sao Paulo human rights commission members, Renato Simoes and Italo Cardoso, threatening to "exterminate" gays, Jews, blacks, and nordestinos (people from the impoverished Northeast), as well as those seeking to protect their rights. The letter said that on or around the country's September 7 Independence Day the group intended to target a number of human rights organizations, including Tortura Nunca Mais (No More Torture), Action by Christians against Torture, Amnesty International, and gay and lesbian groups.

National/Racial/Ethnic Minorities

Although the law prohibits racial discrimination, darker-skinned citizens say that they frequently encounter

discrimination, and the U.N. Special Rapporteur on Torture noted that the majority of the victims of torture are of Afro-Brazilian descent (see Section 1.c.). ISER research noted a disproportionately higher rate of police killings of Afro-Brazilians (see Section 1.a.). Persons of color are five times more likely to be shot or killed in the course of a law enforcement action than are persons who are perceived to be white.

The law specifically prohibits, among other practices, denial of public or private facilities, employment, or housing to anyone based on race. A 1997 amendment to this law added prohibitions against, and jail terms for, the incitement of racial discrimination or prejudice and the dissemination of racially offensive symbols and epithets. The media reported arrests of several persons charged with using racial slurs during the year. For example, in April in Rio de Janeiro actress Vera Oliveira Gimenez was accused by Robson Fernandes Marcelo, a doorman in her apartment building, of having used a racial slur in speaking with him. At year's end, a court had scheduled a hearing for February 2002 on a possible criminal charge of racism under the 1997 law.

The state government of Rio de Janeiro created a hot line for reporting complaints of racism in July 2000. By the end of 2000, it had received 604 complaints, of which about 15 percent were referred for legal action. During the year, the hot line received 1,305 complaints, of which 58 (4.4 percent) resulted in actions in the justice system.

A new study of 22 states, done at Sao Paulo's Pontifical Catholic University, showed that between 1995 and 2000, the authorities received 1,050 discrimination complaints. Of these, 651 were investigated and 394 were brought to trial. However, there were no convictions. The author of the study noted that this reflects the difficulty of proving that an act of racism occurred. It also demonstrates a lack of knowledge of the existing antiracism statutes on the part of lawmakers, public attorneys, judges, and lawyers. In one publicized case in September, the Supreme Court overturned the conviction of a journalist who wrote that Afro-Brazilians are a "sub-race" and "not part of civilized society."

Citizens of African descent say that they frequently encounter discrimination. According to statistics from the Institute of Applied Statistics (IPEA), citizens of African descent represent 60 percent of the poorest segment of society and 7 percent of the national income. Studies also have shown that rates of police torture, child labor, and illiteracy are higher among citizens of African descent than among whites (see Section 1.c. and 6.d.). The life expectancy of Afro-Brazilians is 64 years, while that of whites is 70 years. In 1997 the infant mortality rate of Afro-Brazilians was 62 per 1,000, compared with 37 per 1,000 for whites.

Education plays a significant role in perpetuating these disparities. Approximately 60 percent of Afro-Brazilians in the lowest social class have less than 3 years of education, compared with 37 percent of whites. According to a 1999 study by IPEA, the illiteracy rate among Afro-Brazilians was 19.8 percent, compared with 8.3 percent for whites and the national average of 13.3 percent. Generally, whites have two times more schooling than Afro-Brazilians. Afro-Brazilians historically have not been admitted to universities in large numbers due to economic pressures and the low quality of public education. While an estimated 44.6 percent of the population is of African descent, only 5 percent of university students are Afro-Brazilian, and only 2.2 percent of university graduates are Afro-Brazilian.

Some educational institutions and official entities have instituted programs to narrow the educational gap between blacks and whites. Since 1992 the Steve Biko Institute in the city of Salvador has provided extra classes that enabled 200 Afro-Brazilian students to gain admission to universities in Bahia State; during the year, 180 students were enrolled in the classes paying tuition of \$35 (80 reais) per month. At least three nongovernmental projects help Afro-Brazilians pass university entrance exams in Rio de Janeiro. In August the Rio de Janeiro state governor decreed that 50 percent of state university admissions would be reserved for public high school graduates, most of whom are Afro-Brazilian. In October the state passed a law establishing a quota of 40 percent of state university admissions for "black" or "brown" students; at year's end, the law had not yet been implemented.

In Sao Paulo human rights activists continued to express concern about discrimination against blacks and poor persons from the Northeast by neo-Nazi groups in the South. Some of these groups maintain Web sites that espouse violence. There were no known reported investigations of these groups underway at year's end.

In September 2000, two members of the Sao Paulo State Assembly's Human Rights Committee received threatening letters stating that the group which identifies itself as "raca pura" (pure race) is "fighting for an end to homosexuals, blacks, and northeasterners." Sao Paulo's State Secretary of Security ordered an investigation into both incidents. No information was available on the status of the investigations.

According to professor Sergio Adorno of the University of Sao Paulo's Nucleus for the Study of Violence, courts convict a much higher percentage of black defendants than they do whites. Adorno analyzed 500

criminal cases judged in Sao Paulo courts in 1990 and found that 60 percent of whites able to afford their own lawyers were acquitted, while only 27 percent of blacks who hired lawyers were found not guilty.

Conditions are even more difficult for Afro-Brazilian women. According to a study of Sao Paulo's Foundation for the State System of Data Analysis (SEADE), Afro-Brazilian women make up 31.6 percent of the female work force and 39 percent of the total number of unemployed females. A researcher from IPEA also affirmed that women of African descent suffer more discrimination in the work place, citing statistics that, nationwide, white men have an average monthly salary of \$269 (726 reais), white women \$212 (573 reais), Afro-Brazilian men \$125 (337 reais), and Afro-Brazilian women \$107 (289 reais). According to the same study, white men have an unemployment rate of 7.3 percent, black men 11 percent, white women 12.5 percent, and black women 16.5 percent.

In July Amnesty International released a report entitled "Racism and the Administration of Justice," which reported unequal treatment of Afro-Brazilians in the areas of health, education, and law enforcement, as well as brutality against indigenous people. During the year, the public debate over the best means for addressing the problem, such as affirmative action, intensified between the Government, academics, NGO's, community leaders, and journalists.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the Labor Code provide for union representation of all workers (except members of the military, the uniformed police, and firemen) but imposes a hierarchical, unitary system funded by a mandatory union tax on workers and employers. New unions must register with the Ministry of Labor and Employment (MLE), which accepts the registration if no objections are filed by other unions. Registration may be contested with the MLE by other unions that represent workers in the same geographical area and professional category. In the case of such an objection, the MLE's Secretariat for Labor Relations has 15 days to consider the validity of the objection. If the objection is found to be valid, the MLE does not register the union and union organizers may challenge this decision in the labor courts.

The 1988 Constitution significantly reduced the role of the Government in certifying unions; however, it retained various provisions established by the labor code in the 1940's. One such provision is a restriction known as "unicidade" ("one-per-city"), which limits freedom of association by prohibiting multiple, competing unions of the same professional category in a given geographical area. Most elements of the labor movement, as well as the International Confederation of Free Trade Unions (ICFTU), criticize the retention of unicidade. Due to a continuing failure to reach agreement on the proposal, the Cardoso administration withdrew a proposed constitutional amendment to end unicidade that it had submitted to Congress in 1998.

In practice a number of competing unions have been allowed to exist among the thousands of local unions. However, these do not represent the norm, and the MLE and the courts actively enforce the principle of unicidade in decisions regarding the registration of new unions.

Approximately 16 percent of the work force is unionized, but nearly twice this percentage is charged a mandatory union tax and also is covered by collective bargaining agreements (see Section 6.b.). Most informal sector workers, including self-employed workers and those not formally registered with the labor ministry, fall outside of the official union structure. As a result, they do not enjoy union representation and are usually unable to exercise fully their labor rights. The informal sector has grown rapidly over the previous decade, and accounts for approximately half of the labor force. In the agricultural sector, 70 percent of workers are unregistered.

The Ministry of Labor estimates that there are roughly 11,000 unions across the country, but Ministry officials acknowledge that these figures are inexact. Local unions legally may affiliate with state federations and national confederations in their professional category. Although the law makes no provision for central labor organizations that include multiple categories of workers, there are four major centrals: the Workers' Unitary Central (CUT), the Forca Sindical ("Union Force"--FS), the Workers' General Confederation (CGT), and the Social Democratic Union (SDS). Labor centrals channel much of the political activity of the labor movement, organize strikes involving multiple categories, and represent workers in governmental and tripartite councils. Centrals do not have legal standing to represent professional categories of workers in collective bargaining.

The Constitution prohibits government interference in labor unions. Unions and their leadership generally are independent of the Government and of the political parties; however, there are some exceptions. For example, a number of labor leaders also hold prominent positions in political parties. Labor organizations often form

alliances with political parties and social movements to advocate for specific issues. For example, the CUT joined with the National Conference of Bishops, the Landless Movement (MST), and a variety of NGO's to conduct a national plebiscite on debt repayment in September 2000 and to organize the World Social Forum in Porto Alegre in January 2001. The major union centrals have close relationships with left-of-center political parties and often coordinate actions with party leaders.

The Constitution provides workers with the right to strike, except for the military, police, and firemen. The law stipulates that a strike may be ruled "abusive" by labor courts and be punishable by law if a number of conditions are not met, such as maintaining essential services during a strike and notifying employers at least 48 hours before the beginning of a walkout. Failure to end a strike after a labor court decision is punishable by law. The Government generally does not interfere with the right to strike, provided that all laws are obeyed. Employers are prohibited from hiring substitute workers during a legal strike and from firing workers for strike-related activity provided that the strike is not ruled abusive. However, in practice, employers do fire strike organizers for reasons ostensibly unrelated to strikes, and legal recourse related to retaliatory discharge is often a protracted process.

The number of strikes has diminished in the past several years. According to the Inter-union Department of Socioeconomic Studies and Statistics (DIEESE) latest published statistics, there were approximately 550 strikes in 1999, compared with 1,250 strikes recorded in 1996. In the Sao Paulo metropolitan area and surrounding region, which covers the country's industrial center, data from the regional labor court showed that there were 84 strikes in 2000, the lowest number in a decade. Transportation workers, metalworkers, truck drivers, and petroleum workers conducted major private sector strikes during the year.

Congress has yet to pass complementary legislation making enforceable the labor code provisions permitting strikes in the public sector; however, in practice, the Government has not interfered with the right of most government workers to strike. Numerous public sector unions at the federal, state, and local levels held strikes during the year to demand salary increases. According to DIEESE, the Federal Government has not given a general salary increase to federal employees in 6 years, resulting in a significant erosion of real earnings. Public sector unions who struck during the year included social security workers, professors, judicial workers, and employees of the Labor Ministry.

Civil and uniformed police also walked out during the year in many states to demand salary increases and safer working conditions. While civil police are allowed to form unions and conduct strikes, uniformed police are prohibited from organizing. In July an illegal strike by uniformed police in Bahia state led to rioting and looting, which ended only after the Government sent in federal troops to regain control. Growing labor unrest among the police has prompted the Government to consider legislation that would limit association among uniformed police and the unionization of civil police.

Labor leaders and activists have been targets of violence during demonstrations, although there were no known examples of this during the year. In May 2000, Sao Paulo military police fired tear gas and rubber bullets into a crowd of striking workers from a coalition of 25 unions linked to the CUT. More than 20 strikers were injured. Strikers reacted by throwing rocks and cans at police, injuring five policemen. The ICFTU reported that police fired on striking workers at a government-run company in Brasilia in December 1999, killing public sector worker Jose Ferreira da Silva and injuring 20 others. Although police said that they used only tear gas and rubber bullets, live ammunition was found in Ferreira's body.

Intimidation and killings of rural labor union organizers and their agents continued to be a problem. The CPT reported that labor leaders are victimized by a campaign of violence in rural areas, with the perpetrators enjoying relative impunity (see Section 1.a.). Of the 1,222 killings of rural labor leaders and land reform activists registered by the CPT since 1985, only 85 of the killings came to trial and only 8 persons have been convicted. The CPT reports that 18 rural labor leaders were murdered through the first 8 months of the year. CPT leaders in Para state claimed that hired gunmen working in the service of estate owners committed most of these murders.

In July labor activist Jose Pinheiro Lima and his wife and son were killed near Maraba in the state of Para. The authorities charged a landowner with ordering the deaths, but released him from custody.

Para continued to be the state with the most violence directed toward labor leaders. According to leaders of the National Confederation of Agricultural Workers, there is an organized campaign in the state of Para to kill rural labor leaders. According to Catholic Church activists, six activists had been killed in Para state as of August. Killings include the August death of Ademir Alfeu Federicci, a leader of the Federation of Agricultural Workers in Para, who was killed at his home by an unknown assailant. The labor movement, the landless movement, and the CPT led protests that called for police to investigate the crime as a political killing because of Federicci's public denunciations of official corruption. CPT leaders in the state of Para point to a growing

sophistication in the contract killings of labor leaders in the state. They note that those who hire gunmen have become more adept at hiding their participation and increasingly target labor leaders with significant experience in organizing and leading land appropriations.

In November 2000, Jose Dutra da Costa, leader of the rural workers union of Rondon do Para, was killed by two gunmen in front of his home. Costa had been on the CPT list of labor leaders in the region "marked for death" for 8 years.

In May a local judge ordered that a trial of two men in Rio Maria, Para State (including the former mayor) charged with the 1985 murder of Joao Canuto, the first president of the local rural workers' union should proceed; the trial had not started by year's end. Canuto's daughter, Luzia Canuto, received death threats as a result of the case.

Human rights groups and land reform activists criticized a jury verdict in June in Paraiba absolving a landowner of guilt in the 1983 slaying of rural labor leader Margarida Maria Alves. The case is also the subject of an action in the Inter-American Human Rights Court.

Unions and centrals freely affiliate with international trade union organizations; the CUT, FS, and CGT are affiliated with the ICFTU.

b. The Right to Organize and Bargain Collectively

The Constitution provides for the right of workers to organize and to engage in collective bargaining. Businesses and unions are working to improve collective bargaining through training programs for negotiators, but many local representatives have not received this training and remain unprepared to represent members effectively in negotiations. The normative power of the labor justice system, which may set wages and working conditions when negotiations break down and either party appeals to labor courts, continues to weaken collective bargaining. Although such appeals occur less frequently than they did a decade ago, the possibility of a better result in labor courts still leads to a lack of bargaining in good faith by parties in numerous negotiations.

Collective bargaining is widespread in the formal sector. In 2000 more than 18,000 agreements were registered with the Ministry of Labor. Unions are obliged by law to negotiate on behalf of all registered workers in the professional category and geographical area they represent, regardless of whether an employee pays voluntary membership dues to the union. Unions typically negotiate with employer associations (also called unions) that represent companies with employees in the same area and occupational category.

In 1995 the Cardoso administration promulgated a measure that simultaneously ended inflation indexing of wages, allowed for mediation of wage settlements if the parties involved so desired, and provided greater latitude for collective bargaining. Previously, labor courts and the Labor Ministry had responsibility for mediation in the preliminary stages of dispute settlement. Although labor court decisions still set wages in many disputes, parties now may choose mediation as an alternative. Free mediation services are provided by the Ministry of Labor and the Public Ministry of Labor, and unions and employers also may choose a private mediator from a registry kept by the Labor Ministry. According to the MLE data, in 2000 over 10,000 collective bargaining agreements used mediation services.

The Constitution prohibits the dismissal of employees who are candidates for or holders of union leadership positions. However, the authorities do not enforce effectively laws that protect union members from discrimination. Those who are dismissed must often resort to a lengthy court process for relief. Labor courts charged with resolving these and other disputes involving unfair dismissal, working conditions, salary disputes, and other grievances are slow and cumbersome. It is estimated that over 2.5 million complaints were languishing in the labor court system at the end of 2000. Although most complaints are resolved in the first hearing, the appeals process introduces many delays, and some cases remain unresolved for 5 to 10 years. According to the Supreme Labor Court, over 2 million complaints are registered annually in labor courts.

The Government is attempting to reduce this backlog and increase the efficiency of the courts. A January 2000 law enables cases with relatively low monetary claims to be adjudicated in one meeting with a judge within 30 days of the filing. Another law promotes the formation of employee/employer conciliation commissions designed to resolve grievances before they reach the labor courts. Approximately 500 such commissions were created in the first year of the law's existence, and roughly half of the complaints arriving in many labor courts can be handled with the expedited procedure. Nevertheless these changes have not had a major impact on the functioning of labor courts, and lengthy delays remained frequent.

Labor law applies equally in the country's four free trade zones, of which Manaus is the largest. The unions in the Manaus free trade zone, like rural unions and many unions in smaller cities, are weaker in relation to employers than unions in the major industrial centers. While 14 export processing zones have been authorized, construction has begun in only 4 of them.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor; however, forced labor and internal trafficking are problems in many parts of the country (see Section 6.f.). Forced labor is most common in the rural north and center-west of the country, in activities such as forest clearing, logging, charcoal production, raising of livestock, and agriculture. Forced labor typically involves young men drawn from the impoverished Northeast, but women and children also have been found in activities such as charcoal production. Although indigenous people comprise a small percentage of the overall population, they are especially vulnerable to becoming trapped in forced labor when separated from their communities (see Section 5). Labor inspectors also have found immigrants working in conditions of forced labor in Sao Paulo. According to government officials, Bolivian, Korean, and Chinese laborers are exploited in sweatshops in cities such as Sao Paulo under conditions that may involve fraud or coercion.

The majority of cases occur when employers recruit laborers from population centers and transport them long distances to remote areas where escape is difficult (see Section 6.f.). Union leaders report that most of the rural workers trapped in forced labor have been trafficked to the remote estates on which they work. Once at the worksite, laborers often are forced to work in brutal conditions until they are able to repay debt related to the costs of travel, tools, clothing, or food. Armed guards sometimes are used to retain laborers, but the remoteness of the location, confiscation of documents, and threats of legal action or physical harm often are sufficient to prevent laborers from fleeing. The CPT reports that fleeing workers sometimes are killed or beaten to set an example to others at the worksite.

According to the Penal Code, violators of forced or compulsory labor laws may be sentenced up to 8 years in prison. The law also provides penalties for various crimes related to forced labor, such as recruiting, transporting, or obliging workers to incur debt as part of a forced labor scheme (see Section 6.f.). A 1988 law allows the Government to appropriate lands on which forced labor has been found and to distribute the property in the Government's land reform program. However, this law rarely is applied, in part because compensation values for seized lands have been criticized for being too generous. Legislation that would permit confiscation of land on which forced labor is discovered was approved by the Chamber of Deputies and was awaiting a vote in the Senate at year's end.

Government officials and labor activists say that widespread poverty, low levels of education, and lack of awareness of workers' rights greatly complicate efforts to combat forced labor. Enforcement also has been hampered by the remoteness of the areas in which forced labor is practiced and the difficulty of arriving in these areas without alerting those using illegal labor. Although more than 3,300 instances of forced labor have been discovered by inspection teams since 1995, only 2 persons had been sentenced for these crimes by year's end. Numerous factors hampered prosecutions: Disputes over legal jurisdiction, political pressure at the local level, and a lack of coordination between the police, the judiciary, and prosecutors. Witnesses' fear of retaliation and the fact that police generally do not conduct criminal investigations when accompanying labor inspectors on raids also complicate efforts to build a solid case in court. Therefore the authorities often have found it difficult to identify and prosecute the owners of farms or businesses that exploit forced labor. In its March 2000 report, the ILO Committee of Experts noted that when convictions do occur, usually only the third party recruiters are punished and the owners of the large estates who employ illegal labor are not sanctioned. The failure to prosecute perpetrators and to confiscate lands on which forced labor is practiced has led to a sense of impunity by estate owners. As a result, a number of estate owners have been cited repeatedly for employing slave labor.

The Executive Group to Combat Forced Labor (GERTRAF) coordinates Federal Government efforts to eliminate forced labor. GERTRAF, which is chaired by the Ministry of Labor and Employment, includes representatives from seven ministries, as well as from unions, employers, and NGO's. GERTRAF is charged with coordinating government policies on forced labor and evaluating legislative needs. After 2 years of relative inactivity, GERTRAF was revived during the year, leading to greater cooperation among government agencies. A number of initiatives began during the year, including expanded participation of unions and NGO's in GERTRAF and the formation in December of a special working group on forced labor in the Justice Ministry. Enforcement of laws on forced labor is the responsibility of the Federal Public Ministry; the Public Ministry of Labor also may become involved in investigating such cases (see Section 6.f.).

The enforcement arm of GERTRAF is the Special Group for Mobile Inspection (SETIF), which works in conjunction with Federal Police. SETIF is coordinated by the MLE's Secretariat for Labor Inspection, and it is operated out of four regional offices. The relatively centralized structure is designed to insulate SETIF from

local political pressure. The mobile unit operates in secret to avoid alerting estate owners and ranch managers to planned actions, and it conducts raids under the protection of federal police officers. When SEFIT teams find workers in conditions of forced labor, they levy fines on estate owners and require employers to provide back pay and benefits to workers before returning the workers to their municipalities of origin.

Since its inception in 1995, the mobile group has liberated over 3,300 forced laborers. During the year, the mobile group liberated approximately 1,600 workers and levied fines of more than \$460,000 (1.1 million reais), greatly exceeding its results in any other year of operation. In one of its largest operations, in April the mobile group rescued 144 workers from conditions of forced labor on three ranches in Maranhao state. The workers, who were employed in raising livestock, were being held against their will because of debts that they incurred at the worksite. Anti-Slavery International reports that many of these workers had not received payment for several months.

Despite the efforts of the Mobile Unit, its overall impact on the incidence of forced labor has been limited by insufficient resources, the hidden nature of forced labor in remote areas, and the few prosecutions in the justice system.

The CPT is the leading NGO working to identify and eradicate forced labor. Through a network of local churches and regional offices, the CPT has tracked instances of forced labor for over 15 years. The CPT reported over 2,000 cases of forced labor during the year. Most of the reported forced labor occurs in Para state, and the CPT believes that the practice has increased in the state during the year. CPT representatives also note that these figures significantly understate the actual number of workers trapped in conditions of forced and compulsory labor in the country. The CPT runs an informational campaign called "Stay alert to avoid slavery," through which it distributes pamphlets to rural workers in areas that have been targeted by traffickers (see Section 6.f). Nevertheless, poverty and a lack of viable alternatives lead many workers repeatedly to fall prey to trafficking and forced labor schemes.

In a number of states, local unions register and track workers who leave the municipality to work on remote ranches. The National Confederation of Agricultural Workers also has attempted to educate workers about the dangers of forced labor in its radio messages. In 1997 the CUT labor central initiated a 24-hour hot line with a toll-free number for reporting instances of forced labor; however, the line received few complaints, and was discontinued in 1999 due to a lack of a visible impact and follow-up by authorities.

In November the ILO established a major program to support governmental efforts to fight forced labor through improved interagency cooperation, strengthened enforcement of forced labor laws, and provision of additional resources to the mobile inspection unit. The ILO plans to fund research, launch a public awareness campaign, and provide training for government agencies involved in curbing forced labor. The program also envisions a pilot income generation program for rescued workers that aims to prevent the recurrence of forced labor.

Trafficking in women and children for the purpose of forced prostitution also is a problem (see Section 6.f.).

The law prohibits forced and bonded labor by children; however, a small number of children have been found working in conditions of forced labor. The CPT reported seven cases of forced child labor during the year. During the year, the mobile inspection unit of the MLE found 21 children under the age of 16 working on ranches where forced labor was found. Most instances of forced child labor occur when children accompany parents who are trapped in forced labor on remote worksites. In March 2000, the ILO reported that observers have cited over 3,000 girls who were subject to debt servitude and forced into prostitution in Rondonia state.

d. Status of Child Labor Practices and Minimum Age for Employment

The law restricts work that may be performed by children; however, child labor is a serious and widespread problem despite government efforts to combat it. The minimum working age is 16 years of age, and apprenticeships may begin at 14 years of age. The law bars all minors under age 18 from work that constitutes a physical strain or from employment in nocturnal, unhealthy, dangerous, or morally harmful conditions. However, the authorities rarely enforce additional legal restrictions intended to protect working minors under age 18.

The law requires permission of the parents for minors to work as apprentices, and working minors must attend school through the primary grades. Because the legal working age is 16, the Government is attempting to increase the number of apprenticeships to provide more opportunities to 14- and 15-year-olds. Legislation passed in December 2000 aims to expand apprenticeship programs by allowing a broader range of institutions to provide such programs. Previously, only state-linked training institutions could offer apprenticeship programs. Information was not available on the legislation's effect during the year.

According to government figures, the number of working children under 16 decreased from 5.1 million in 1995 to 3.8 million in 1999. Nevertheless, more than 2.9 million children under the age of 15 continued to work in 1999. Many work together with their parents, most often in agriculture. Approximately half of child laborers receive no income, and 90 percent are found in the unregistered informal sector. The highest incidence of child labor is found in the Northeast, where half of all child workers are employed. Slightly over half of child workers are found in rural areas, and two-thirds are boys. Frequent accidents, unhealthy working conditions, and squalor are common.

A 1999 Labor Ministry report indicates that children work in about 100 rural and urban activities. Common rural activities include fishing, mining, raising livestock, producing charcoal, and harvesting sugarcane, sisal, tobacco, cotton, citrus fruits, and a variety of other crops. In urban areas, children are found in shoe shining, transportation, construction, restaurants, street peddling, begging, drug trafficking and prostitution (see Section 5). According to the Government's Institute for Applied Economic Research, in 1998 there were approximately 800,000 girls between the ages of 10 and 17 working as domestic servants. UNICEF estimates that 50,000 children pick through trash dumps to generate income for their families.

Due to the hidden and informal nature of child labor, children are especially vulnerable to workplace accidents and often work in dangerous conditions. The ILO reports that the fragility of children and their lesser-developed ability to recognize risks in the workplace place them in a particularly precarious position. Children working in dangerous activities such as charcoal production, sisal production, sugarcane harvesting, and footwear suffer injuries including dismemberment, gastrointestinal disease, chronic fever and headaches, lacerations, blindness, and burns and poisoning caused by the unprotected application of pesticides. Studies have shown that rates of child labor are higher among citizens of African descent than among whites (see Sections 1.c. and 6.d.).

The Federal Government administers a total of 33 programs under 5 separate ministries aimed at combating child labor. The Ministry of Labor and Employment is responsible for inspecting worksites to enforce child labor laws. These efforts are guided regionally by Special Groups for the Eradication of Child Labor, which gather data and develop plans for child labor inspection. Nevertheless, most inspections of children in the workplace are driven by allegations and tips from workers, teachers, unions, NGO's, and the media. Approximately 3,250 inspectors conducted over 11,000 inspections during the first 7 months of the year, reaching roughly 60,000 workers under 18 years of age. In 2000 labor inspectors began to prioritize inspections in the informal sector to reduce the number of unregistered workers, but they remain unable to enter private homes and farms, where much of the nation's child labor is found. In most cases, inspectors attempt to reach agreements and have employers desist from labor law violations before levying fines equivalent to \$155 (400 reais) per violation. As a result, few employers actually are fined for employing children.

Labor Ministry inspectors often work closely with prosecutors from the Public Ministry of Labor (PML), who have broader powers and are able to impose larger fines. The PML, which is an independent government agency responsible for prosecuting labor infractions and promoting compliance with labor laws, played a greater role in fighting child labor during the year. In November 2000, the PML created a national commission to fight child labor. The commission includes 50 prosecutors and is focusing on strategic areas including sexual exploitation, trash-picking, apprenticeships, and work in a family setting. The commission has allowed the PML to be more responsive to complaints regarding child labor and to encourage public commitments from officials to address child labor.

The Ministry of Social Security and Assistance coordinates the Government's Program for the Eradication of Child Labor (PETI), which provides cash stipends to low-income families who keep their children in school and out of work activities. This program is the Government's primary effort to end the worst forms of child labor. Because the public school day lasts only 4 hours, PETI also offers complementary cultural and instructional activities to children during nonschool hours to keep them out of work. PETI has grown from assisting about 3,700 children in 2 states in 1996 to roughly 600,000 children in all 26 states and the federal capital by the end of the year. The program focused on removing children from work activities considered to be among the most hazardous by the Government, such as charcoal production, sugar cane harvesting, horticulture, brickmaking, mining, trash picking, shoe shining, and street peddling. Although the program is concentrated in rural areas, it is growing rapidly in urban areas as well.

During the year, the Federal Government expanded its Program for the Guarantee of a Minimum Income and renamed it the Bolsa Escola (School Stipend) program. The program provides mothers of low-income families with stipends equal to \$6 (15 reais) per child between 6 and 15 years old, for each of up to 3 children. To receive the stipend, the child's monthly attendance rate must be 85 percent. The Ministry of Education coordinates the Bolsa program, but responsibility for day-to-day management falls largely on municipal governments. At year's end, the program provided stipends to the mothers of approximately 9 million children in over 5,000 municipalities. Nevertheless critics are concerned that the program's rapid implementation, lack of comprehensive oversight, and small stipend value may compromise its ability to discourage child labor. In

addition to the federal program, an estimated 100 municipal governments operate stipend programs, including Belem, Campinas, Belo Horizonte, Manaus, Olinda, and Recife.

In 1999 the Government ratified ILO Convention 138 dealing with the minimum age for work and Convention 182 on the eradication of the worst forms of child labor; in June the Government submitted 16 as the minimum age regarding Convention 138.

In March 2000, the Ministry of Labor established a tripartite commission that produced a list of roughly 80 activities to be considered worst forms of child labor. These activities, which include cutting sugar cane, applying pesticides, and driving tractors, now are prohibited to all workers under 18. ILO Convention 182 entered into force in February.

As part of its efforts to combat the worst forms of child labor, in 2000 the Government instituted the Sentinel Program to combat the sexual exploitation of minors (see Section 5). The National Forum for the Prevention and Eradication of Child Labor, which has chapters in every state and over 40 institutional members from government, unions, employers, and NGO's, promotes debate and analysis of national child labor prevention efforts. The Centers for the Defense of Children and Adolescents are active in many parts of the country, and report violations of children's rights and implement eradication programs (see Section 5).

Representatives from the private sector and unions also play a major role in fighting child labor. The Toy Industry's ABRINQ Foundation for Children's Rights operates a labeling program that identifies companies with child-friendly policies and a commitment to eliminate child labor in the production chain. The Foundation also fosters prochild initiatives through its awards to organizations, journalists, and mayors. The Pro-Child Institute in the state of Sao Paulo coordinates a labeling program in the footwear industry. The Institute has helped to reduce significantly instances of child labor in footwear production in the state, and it plans to expand to other regions and industries. All major labor centrals have implemented programs to educate union members about the hazards of child labor and encouraged members to report instances of child labor to authorities.

The ILO's Program on the Elimination of Child Labor (IPEC) sponsors programs in footwear, charcoal, citrus, sisal, and domestic service. IPEC programs have focused on capacity building, awareness raising, research promotion, and the incorporation of income generating schemes and monitoring systems into child labor prevention programs. The ILO also coordinates a program to reduce the incidence of child labor in domestic service and the sexual exploitation of children (see Section 5). In addition, the ILO is supporting a child labor survey by the national statistics agency that is expected to provide the first comprehensive look at child labor and serve as a baseline for measuring the success of government programs. The survey questionnaire was sent out in August and final results are expected to be published in March 2003.

Through its central and regional offices, UNICEF supports over 200 programs to improve the lives of children. Since June 1999, UNICEF has helped to remove over 13,000 children from work in garbage dumps and placed them in schools, in part by providing scholarships to families and helping adults in those families find other forms of income generation.

The law prohibits forced and bonded labor by children; however, it does occur (see Section 6.c.). Trafficking in children for purposes of prostitution is a problem (see Sections 5 and 6.f.).

e. Acceptable Conditions of Work

The Government adjusts the minimum wage annually; in April it was raised to approximately \$75 (180 reais), which is not sufficient to provide a decent standard of living for a worker and family. A 2000 study by DIEESE concluded that the minimum wage was only about one-fifth of the salary necessary to support a family of four in the Sao Paulo metropolitan area. According to the IBGE, approximately one in three workers earns the minimum wage or less.

The Constitution limits the workweek to 44 hours and specifies a weekly rest period of 24 consecutive hours, preferably on Sundays. The law also includes a prohibition on excessive overtime and stipulates that hours worked above the weekly limit must be compensated at a rate equal to time and a half; these provisions generally are enforced in the formal sector. The law allows employers to compensate workers in time off rather than in overtime pay, provided that the local union agrees to the arrangement. According to DIEESE, more than 40 percent of salaried employees in Sao Paulo worked over the legal weekly limit in 1999.

Unsafe working conditions are prevalent throughout the country. More than 340,000 workplace injuries, including approximately 4,000 fatalities, were registered with the Ministry of Social Security and Welfare in 2000. Fundacentro, part of the Ministry of Labor, sets occupational, health, and safety standards, which are

consistent with internationally recognized norms. However, the Ministry has insufficient resources for adequate inspection and enforcement of these standards. Employees or their unions may file claims related to worker safety with regional labor courts, although in practice this is frequently a protracted process. According to the Ministry of Labor, the most dangerous industries in the country are logging, mining (including oil drilling), construction, and oil refining. During 2000, the logging industry had a rate of 37 deaths per 100,000 workers.

The law requires employers to establish internal committees for accident prevention in workplaces. It also protects employee members of these committees from being fired for their committee activities. However, such firings do occur, and legal recourse usually requires years before resolution. Individual workers do not have the legal right to remove themselves from the workplace when faced with hazardous working conditions; however, workers may express such concerns to the internal committee, which would conduct an immediate investigation.

f. Trafficking in Persons

The law prohibits the transport of persons for illicit reasons within and outside the country; however, trafficking in persons to, from, and within the country is a problem. Internal trafficking, which most often involves rural workers being transported to remote ranches to work under slave-like conditions, is a serious problem (see Section 6.c.). Trafficking of rural persons to urban areas also occurs to a lesser extent. The authorities estimate that thousands of women and children are trafficked, both domestically and internationally, both for sexual exploitation and domestic servitude. Young men are trafficked primarily domestically in the agricultural labor market. Labor inspectors reported that persons also are trafficked into the country from other countries such as Bolivia.

No comprehensive government figures are available on the extent of trafficking within, to, or from the country. The majority of cases of internal trafficking occur when employers recruit laborers from population centers and transport them long distances to remote areas where escape is difficult. Once at the worksite, laborers often are forced to work in brutal conditions until they are able to repay debt related to the costs of travel, tools, clothing, or food (see Section 6.c.) Union leaders report that most of the rural workers trapped in forced labor have been trafficked to the remote estates on which they work. This system involves labor contractors who promise well-paying jobs and arrange transportation for workers, sometimes by small airplane due to the remoteness of the worksites. Rural workers are recruited in small towns or are found in hotels that serve as bases for migrant workers in this system. Victims often are charged exorbitant prices for transportation and lodging, prices that figure into the overall debt used to trap them in forced labor.

CECRIA has mapped the trafficking of women and children for sexual exploitation (see Section 5.). Domestic routes include from the state of Goias to Sao Paulo and Rio de Janeiro, from rural areas in the North and Northeast to coastal cities for sexual tourism, and from small towns in the North to outposts in the Amazon region where itinerant workers often transit. Internationally, women and children are trafficked from the North of the country into Suriname, and sometimes from there on to Europe. The Northeast, Sao Paulo, Goias, and Rio de Janeiro are the primary sources of persons trafficked into Europe, Israel, Asia, and the United States. In Europe, Brazilian women are trafficked to Spain, Portugal, Italy, the Netherlands, Switzerland, and Germany. CECRIA has also identified trafficking routes of children for sexual exploitation from the southern region of the country into Argentina and Paraguay.

Young women who fall prey to trafficking schemes are typically between 18 and 27 years old, come from low-income families, and usually have not finished high school. The NGO Chame reports that about 80 percent of the women who are trafficked to Europe from the state of Bahia are single mothers. Traffickers often target victims with promises of lucrative work as dancers or models in Europe; beauty contest winners have been cited as common targets. According to one NGO, girls are recruited at clubs and modeling agencies, or through the Internet, want-ads, mail-order bride schemes, and maid and au pair services. Police officials believe that most women who are recruited by trafficking organizations understand that they are to work as prostitutes, but they are lied to about working conditions and their prospective earnings. In other cases, women are told that they are to work as nannies or as household servants. Upon arrival, victims of trafficking often have their passports confiscated and are forced to prostitute themselves and live in virtual confinement. In addition to the threat of physical violence, perpetrators often use debt and isolation to control the victims.

Young men are trafficked primarily domestically in the agricultural labor market (see Section 6.c.); however, they reportedly also have been trafficked as athletes to Europe and subjected to humiliating conditions or coerced into employment unrelated to sports, including prostitution.

In 1998 the Penal Code was altered to increase the penalty for those who recruit and transport workers domestically through the use of fraud and for those who do not assure a return passage to workers. Traffickers charged under this law may receive a fine and prison sentences of 1 to 3 years, which are increased slightly if

the victim is under 18, a senior citizen, pregnant, handicapped, or a member of an indigenous group. The Penal Code establishes a prison sentence of 3 to 8 years for transporting women in or out of the country for the purposes of prostitution. If fraud, force, or threats are employed, the sentence increases to between 5 and 12 years. The Statute on Children and Adolescents requires the permission or presence of both parents for children to leave the country. It also prohibits children from leaving the country with a foreigner unless previous approval is given by the authorities. Local activists claim that laws on trafficking are open to various interpretations and difficult to enforce, and they call for comprehensive legislation to aid in prosecution of traffickers and assistance for victims.

The Federal Police do not enforce effectively laws on domestic trafficking, especially in relation to the thousands of rural workers trafficked in the North and Northeast (see Section 6.c.). In spite of more than 3,300 instances of forced labor having been discovered by labor inspectors since 1995, and only 20 arrests have been made by year's end. Police typically accompany labor inspectors on raids solely to protect inspectors. Police rarely investigate the traffickers who brought the workers to the remote ranches and transferred their debt to ranch operators. Investigative efforts also are hampered by the mobility of labor contractors and by the fact that traffickers are not usually at the work site when inspectors arrive. To improve the investigative ability of the Federal Police, some officers are beginning to receive training to recognize forced labor and understand the laws concerning trafficking. Federal prosecutors and NGO's have reported that corruption among state police often impedes the apprehension of traffickers.

The Ministry of Labor and Employment tracks cases of forced labor, most of which involve workers who are trafficked from other regions of the country. MLE figures for 2000 indicate that 583 rural workers were freed from forced labor by the MLE's special mobile inspection unit on raids of 120 properties.

Prosecution of traffickers is the responsibility of the Federal Public Ministry, and the Public Ministry of Labor may also become involved in investigating cases of forced labor. The Federal Highway Police are responsible for checking documents and monitoring movement along highways and roads, and in some cases they have been involved in apprehending suspected traffickers. In one case in 2000, highway patrol officers suspected sex trafficking and turned around two buses carrying adolescent girls to a resort town in the Pantanal during a major fishing competition. Federal and state police have begun to monitor the Internet to detect on-line recruitment by sex traffickers, and at least one prosecution for such an offense occurred due to a complaint from an NGO (see Section 2.a.). GERTRAF coordinates Federal Government efforts to eliminate forced labor (see Section 6.c.).

Federal police officers report difficulty in capturing and incarcerating traffickers because of the legal requirement to catch them in the act of traveling with the victims. In addition, most women who leave the country with traffickers do so willingly, and only upon arrival do they realize the abusive conditions under which they are forced to work and live. Officials also state that fear of reprisals keeps a number of victims from seeking police intervention or from testifying against their traffickers.

The Federal Police arrested several suspects in the capital of Brasilia, Goias, Rio de Janeiro, and Ceara involved in recruiting women to work as prostitutes abroad, mainly in Spain, but also in Portugal, Japan, and Israel. In July Federal Police arrested 20 persons linked to the largest prostitution trafficking ring discovered in the country. The ring, which was financed and coordinated by 2 sisters, trafficked over 100 women to Spain from 6 states and the federal capital. The scheme relied on recruiters to locate young women and lure them with money and the promise of a well-paying job abroad. Upon arrival, the women had their passports and money taken from them and were forced to prostitute themselves. After a period of 3 months, their documents usually were returned and they were able to return to Brazil. Officials learned of the ring through a charge filed by the mother of a young woman who returned from Spain. The woman traveled to Spain believing that she would work as a domestic servant but instead was taken directly to a brothel and forced to work as a prostitute. The women who coordinated the ring are being held in Spain on charges of forced prostitution, drug trafficking, and falsification of documents.

In June Federal Police in Rio de Janeiro uncovered a trafficking scheme responsible for taking men and women to Japan to work as prostitutes. The ring was reported by a man who mistakenly believed he was being taken to Japan by a promoter to perform Brazilian dances in a show. Instead, he discovered that he was expected to have sex with Japanese women and transvestites. After he contacted a prosecutor in Rio de Janeiro to report the scheme, he was able to return. During the investigation, federal police found evidence suggesting that the Japanese mafia was involved in trafficking other men and women to Japan from Rio de Janeiro and Sao Paulo. Interpol is working in cooperation with the authorities to investigate the case.

The Government has begun to focus attention and promote discussion on the issue of trafficking in persons. In November 2000, it hosted the first international conference of the U.N. Drug Control Program (UNDCP) on trafficking in persons. Also in November, the Public Ministry of Labor held a conference in Belem, Para, to address trafficking and discuss concerns of civil society on the issue. The Government included trafficking as a

priority area in the National Plan to Combat Sexual Exploitation of Children (see Section 5). To aid in this effort, CECRIA is consolidating various data sources into the first comprehensive study of trafficking for sexual exploitation in the country. The study is scheduled to be completed in July 2002.

The Government is engaged in several programs to combat trafficking, including public information campaigns, and a Ministry of Justice campaign against sexual exploitation of minors. The Government took a number of steps over the year to combat child prostitution (see Section 5).

Victims are not treated as criminals, but access to shelter and to legal, medical, and psychological services may be very limited in practice due to a lack of governmental resources. The State of Rio de Janeiro has centers to provide assistance to female victims of violence and there are NGO's that help women who are victims of abuse (see Section 5). In December the Ministry of Justice announced a new program (in cooperation with the UNDCP) to combat trafficking in persons for the sex trade, including research, an informational campaign, and support for an assistance network for victims of trafficking.

The Humanitarian Center to Support Women in Salvador, Bahia, sponsors research and coordinates a campaign in Bahia to educate girls and women about the risks of being trafficked abroad. The Brazilian Multiprofessional Association for the Protection of Children and Adolescents manages a number of programs in Rio de Janeiro aimed at protecting youth from trafficking and domestic and sexual abuse. NGO's report that government efforts to combat trafficking in persons and assist victims are poorly coordinated.